



Public Agenda Briefing Forum

11 August 2026

AGENDA



RICH Values

We treat everyone with dignity, fairness, and kindness—valuing diverse perspectives, listening with empathy, and fostering an inclusive environment where all voices are heard and appreciated.

Respect

We act with honesty, transparency, and accountability—upholding ethical standards, taking responsibility for our actions, and consistently doing what is right, even when no one is watching.

Integrity

We build trust through empathy, honest feedback, and mutual support—creating a safe, respectful environment where people thrive and grow. We care enough to be candid, knowing that truth shared with compassion strengthens us all.

Care

We communicate truthfully and openly—building trust through transparency, owning our actions, and fostering a culture where integrity and authenticity guide every interaction.

Honesty

INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held at the City of Kalamunda commencing at 6.30pm.**

Agenda Briefing Forums will provide the opportunity for Elected Members to be informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.

In case of an emergency follow the instructions given by City Staff.

Please remain at the assembly point until advised it is safe to leave.

Webcasting Notice

Please note tonight's meeting, other than the confidential sessions, are being recorded and live streamed.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums conducted by the City of Kalamunda:

- a. Public Agenda Briefing Forums will be open to the public matters of a confidential nature will not be presented. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b. Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c. The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d. Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e. Relevant employees of the City of Kalamunda will be available to make presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f. All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g. The Presiding Member will ensure time is made available to allow for all matters of relevance to be covered.
- h. Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest, the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i. Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council of the preceding forum.
- j. At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k. Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*.

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a. Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c. Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d. Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e. Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f. Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i. The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j. Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k. Questions and any responses will be summarised and included in the minutes of the meeting.
- l. It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a. Members of the public are invited to make statements at Briefing Forums.
- b. Statements made at a Briefing Forum must relate to a matter contained in the agenda.
- c. A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d. Public Statement Time will be limited to two (2) minutes per member of the public.
- e. Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f. Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g. Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h. Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i. A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j. Statements will be summarised and included in the notes of the Briefing Forum.

Questions in Writing

- a. Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b. The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c. Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d. The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f. Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g. A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h. Questions and any response will be summarised and included in the minutes of the meeting.
- i. It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.

- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a. Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c. The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d. Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e. The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f. Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)

b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

3.2. Disclosure of Interest Affecting Impartiality

a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

Public questions will be allowed and received following the presentation of the report.

6. Public Statement Time

Public statements will be allowed and received following the presentation of the report.

7. Public Submissions Received in Writing

8. Confidential Items Announced But Not Discussed

9. Reports to Council

9.1. Development Reports

9.1.1. Scheme Amendment: 54 Edinburgh Road, Forrestfield (medical centre)- PG-LPS-003/120

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Development services
Business Unit	Approval Services
File Reference	PG-LPS-003.120
Applicant	Altus Planning
Owner	Ian Olszewski
Voting Requirements	Simple Majority
Attachments	1. Scheme Amendment Report [10.1.1.1 - 40 pages]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting Local Planning Scheme Amendment 120 (A120) for the purpose of public advertising.
2. The Scheme Amendment proposes to amend the City of Kalamunda's Local Planning Scheme No.3 to allow for additional use (Medical Centre) to Lot 65 (No.54) Edinburgh Road, Forrestfield.

3. It is recommended that the Council resolve to proceed with the proposed Scheme amendment No A120 (Medical Centre) for the purpose of public advertising.

OFFICER RECOMMENDATION

That Council:

1. RESOLVE to prepare Amendment 120 to Local Planning Scheme No. 3 as included in Attachment 1 for the purpose of community consultation, pursuant to Section 75 of the *Planning and Development Act 2005*;
2. CONSIDER proposed Scheme Amendment No.120 to Local Planning Scheme No. 3 as a Standard amendment under Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason.

an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

3. FORWARD Amendment No.120 to Local Planning Scheme No. 3 to the Western Australian Planning Commission for a recommendation to the Minister for Planning to approve the proposed amendment for advertising pursuant to Clause 46B of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
4. FORWARD Amendment 120 to Local Planning Scheme No. 3 to the Environmental Protection Authority for review, pursuant to s. 8 of the *Planning and Development Act 2005*.
5. SUBJECT TO the approval of the Minister for Planning, ADVERTISE Scheme Amendment No.120 to Local Planning Scheme No. 3 for a period of 42 days pursuant to Regulation 47 (Standard)/Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals and s. 81 and 82 of the *Planning and Development Act 2005*.

BACKGROUND

4. **Site Details:**

The site is zoned Residential with a density coding of R25/60 under the City's Local Planning Scheme No.3 (LPS3). The subject site is part of a residential suburb with an interface to commercial development along Edinburgh Road. Currently, the site is operating as a consulting room land use under LPS3.

Land Details:

Land Area:	794m ²
Local Planning Scheme No.3 Zone:	Residential
Metropolitan Regional Scheme Zone:	Urban

5. The subject site consists of a converted residential dwelling which has been modified over the years to make it fit-for-purpose for facilitating a 'consulting rooms' land use.
6. Consulting Rooms were approved in 1987 (ref: EDI-1/54). Subsequently, approvals were obtained for extensions to the existing building on the site to accommodate the consulting rooms, approved in 2009 (ref: 24/9596) and 2026 (ref: DA25/0267).
7. Under LPS3, a "Consulting Rooms" land use is defined as follows:

"means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general care"

Consulting Rooms are an A use within the Residential Zone, meaning the use is not permitted unless council has granted planning approval after giving notice (advertising the proposal).

8. A "Medical Centre" has the following definition under the LPS3:

"premises used by more than two health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);"

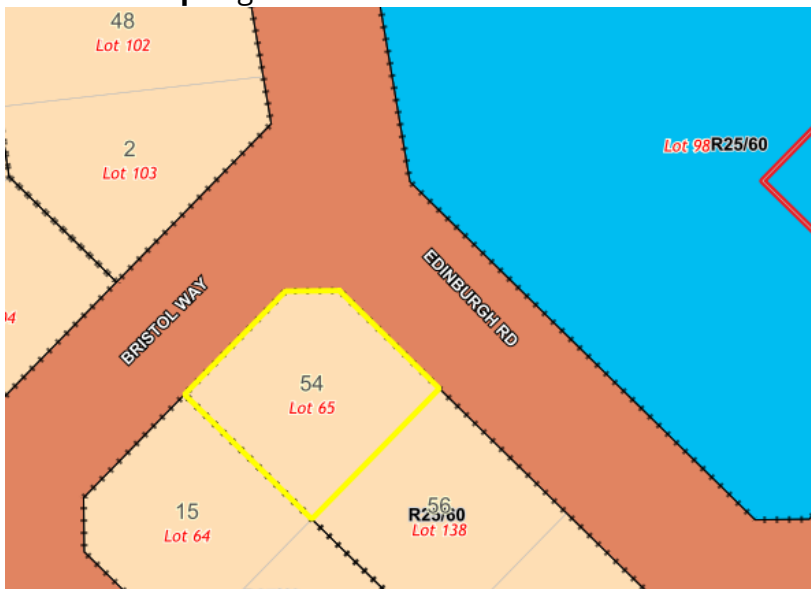
A Medical Centre is an X use within the Residential Zone, meaning the use is not permitted.

9. Given the landowner has reached the maximum number of consultants allowed under the definition of Consulting Rooms, being 2 consultants, they are proposing to expand to have 7 consultants, which triggers the land use classification change to 'Medical Centre'.

10. **Locality Plan: Figure 1**



11. **Scheme Map: Figure 2**



12. The applicant is seeking to amend LPS3 to allow for an additional use on the site, being a Medical Centre. The proposed amendment will not change the current zoning of the "Residential" and 'Urban' under the LPS3 and MRS respectively for the site.
13. To support the application, the applicant has submitted the following technical documents:
 1. Planning report (attachment 1)
 2. Car parking agreement
 3. Development approval for additions and alterations to existing building.

COMMENT

14. The site has been operating as a Consulting Rooms land use since 1987 and the original approval issued for the site was for 2 medical practitioners, with 3 consulting rooms, and 9 car parking spaces provided onsite.

15. Under Table 2 of LPS3, a consulting room is required to have 4 car parking bays per practitioner, which means that the current on-site car parking complies with LPS3. A medical centre is required to have 6 car parking bays per practitioner plus 1 car parking bay per staff member (i.e. administration and assistance staff).

It is noted that the applicant has advised there is currently an informal parking arrangement between the subject site and the commercial centre located across the road at Lot 98 (No. 51) Edinburgh Road, Forrestfield. Figures 1 and 2 above show the subject site and its proximity to the commercial centre.

16. The proposal is seeking to accommodate 5 to 7 general practitioners (GPs) or other allied health practitioners within the existing development, and the applicant has advised in their planning report that consultation will be by appointment only.
17. The extension approved under DA25/0267 increased the footprint of the building and has the capacity to accommodate the proposed maximum of 7 practitioners. The internal layout of the building, showing the rooms for the practitioners is shown on Figure 3 below.

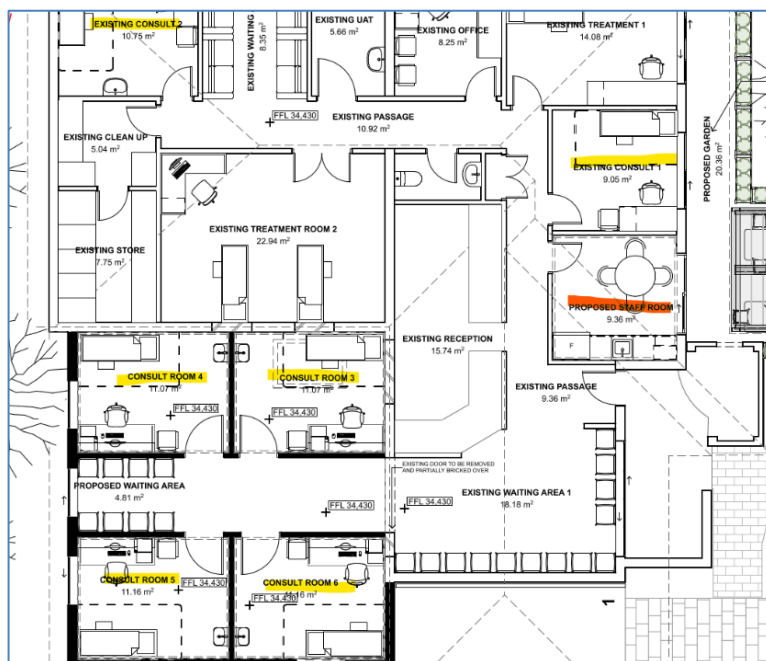


Figure 3: Site plan with the extension

18. It is unlikely that any further extensions will be accommodated onsite, as the latest approved extension would be sufficient to accommodate any internal changes to suit the use for seven (7) health consultants

19. As stated in the application documents there will be no changes to the existing operating hours. The operating hours are: Monday to Friday 8:00am-5:30pm, Saturday 8:00am to 12pm
20. It is considered that the noise impact will be minimal given there is no changes to the operating hours and the site is not going to operate in full capacity at all times. Consultation bookings will be by appointment only. Each practitioner averages about 14 patients per day. This includes online/phone consultations which has no noise or traffic impact.
21. Location is in Residential dual coded area which interface commercial zoning.

One of the objectives of "Residential" zone is to facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities. Proposal helps to achieve zoning objectives as accommodation are proximity to the essential service like a medical centre.
22. Use as a 'Medical Centre' would not significantly alter surrounding nature or characteristics of the locality as it was operating for more than 60 years. Nevertheless, it increases the opportunity for additional health services to be provided in support of the demand of the local community.
23. As per SPP1 proposal will avoid land use conflicts by separating sensitive and incompatible uses from industry and economic activities with off-site impacts. It is considered that the proposed amendment would not have any offsite impact as the site has an existing non-residential use and abuts a local shopping centre.
24. There is a total of nine (9) car parking bays available onsite. Also, there is a shared carparking arrangement between the consulting rooms and commercial property across the road at Lot 98 (No.51) Edinburgh Road, Forrestfield.
25. Under Table 3 of the LPS3, 47 car parking spaces are required for a medical centre with 7 consultants. The carparking arrangement needs to be formalised and may need to compensate, should the scheme amendment be approved and gazetted.
26. It is noted that separate development application will be required to be submitted and assessed by the City, should the scheme amendment be approved and gazetted.

OPTIONS

27. Defer the item. Should Council decided to defer the item it may cause delay in the project and loss of economic benefit to the applicant. Deferral could be to facilitate provision of additional information.
28. Not approve the officer recommendation- Should Council decide to not approve the item, the community will miss out on the growth of a local health service.

LEGISLATIVE CONSIDERATIONS

29. Clause 35(1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (P&D Regs) requires a resolution of Local Government to adopt or refuse an application to amend a local planning scheme, as well as justification for the type of amendment proposed.

Pursuant to Clause 34 of the P&D Regs, a standard amendment is defined as:

- (c) *"an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;"*

Based on the above definition, the proposed amendment is considered a "Standard" amendment because it is "an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment".

POLICY CONSIDERATIONS

30. State Planning Policy 7.0-Design of the Built Environment- Policy is considered to derive good design outcomes, consistent and robust design review and assessment processes

Local Planning Policy 11- Public Notification of Planning Policy - The policy will be applied when making discretionary decisions relating to public advertising.

Local Planning Policy 18- Requirements of Local Planning Scheme Amendments - Policy is considered to provide guidance on scheme amendment process.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

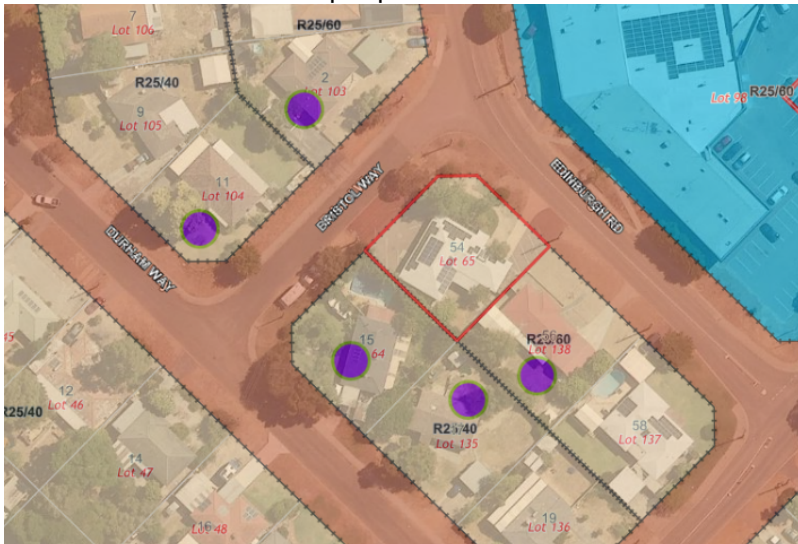
Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

Priority 3: Kalamunda Develops

- Objective 3.3** - To develop and enhance the City's economy.
- Strategy 3.3.1** - Facilitate and support the success and growth of businesses.
- Strategy 3.3.2** - Attract and enable new investment opportunities.
- Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

External Engagement	
Report is to seek approval to commence advertising for public inspection. In accordance with the Regulations, public notice of a scheme amendment must be published on the City's website. The City will be writing to all landowners affected by the changes with the Medical Centre. Consultation will be conducted in accordance with the City's Public Notification of Planning Proposals Local Planning Policy 11 for a standard scheme amendment. The amendment will be advertised for a minimum period of 42 days. The <i>Planning and Development Act 2005</i> requires that once Council has resolved to prepare a scheme amendment, approval of the Minister for Planning is required before community consultation can commence. Should Council support the preparation of Amendment 120 to LPS3, the amendment will be forward to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) for consideration.	
Process	Outcome
Under Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments (LPP18),the proposed scheme amendment was preliminary advertised for 14 days time period to the immediate adjoining neighbours via letters as marked in purple below 	No submissions were received from the advertising.
Figure 4: Preliminary advertising map	

FINANCIAL CONSIDERATIONS

- 31. All costs associated with the scheme amendment will be borne by the applicant.

SUSTAINABILITY**32. Social**

The proposed development is an essential service that is required for the community. It will promote social benefits like promote wellness, enhance quality of life, convenience for the community, access to quality care and provide comprehensive service.

Proposal may create parking issue as onsite parking is limited.

33. Economic

Increase population growth can get the benefit of having access to essential service like medical centre.

Proposal will generate direct and indirect job opportunities and reduce the time and cost of travel to work.

34. Environmental

Whilst there appears to be no direct impact on the environment, the proposal will be referred to the Environmental Protection Authority (EPA) as per legislative requirements under the Regulations, should Council endorse for the purposes of public advertising.

Environmental impact would also be assessed in any future development applications on land.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Significant \$100,000 to \$500,000 financial consequences	Low	There will be financial loss to the applicant and City will lose the economic benefits from a medical centre
Health & Safety	Insignificant Low impact and no news item	Low	No major health impacts. Lack of Parking spaces on site may create safety issues.
Reputation	Insignificant Unsubstantiated	Low	Through the public consultation period, residents will have the opportunity to provide submissions/comments.

Operation	Moderate Possibility of inconvenient delays to occur	Low	Any proposal contrary to the proposed medical centre use would require further approval from the City.
Environment	Insignificant N/A	Low	No major environmental impacts
Compliance	Moderate Site is already operating more than required no of consultant on site. Site has none conforming user rights and not approving the amendment will lose the ability to formalise and comply with the Planning Scheme	Low	Medical centre use would require further approval from the City.
Project	Moderate 5-10% increase in time and cost.	Low	

REGIONAL SIGNIFICANCE

35. N/A

CONCLUSION

36. The proposal is consistent with the objectives of the “Residential” zone and is compatible with the surrounding commercial land use/zoning.
37. Advertising of the amendment will provide the Council the opportunity to fully consider the implications of this amendment and the impacts on the amenity of the locality based on community feedback.

9.1.2. Scheme Amendment - 777 Welshpool Road East

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 2025/30 & OCM 2025/54
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/115
Applicant	CF Town Planning & Development
Owner	PU TI LIAN SHE SOCIETY PERTH INC
Voting Requirements	Simple Majority
Attachments	1. Attachment 1 - Amendment Report [10.1.2.1 - 18 pages] 2. Attachment 2 - Bushfire Management Plan [10.1.2.2 - 44 pages] 3. Attachment 3 - Traffic Impact Statement [10.1.2.3 - 32 pages] 4. Attachment 4 - EPA Chair Determination [10.1.2.4 - 1 page] 5. Attachment 5 - EPA Notice of Decision [10.1.2.5 - 1 page] 6. Attachment 6 - Submissions [10.1.2.6 - 4 pages]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the outcomes of the community consultation on proposed Local Planning Scheme Amendment 115 (Amendment 115) and to support Amendment 115, with modifications.

2. The scheme amendment proposes to amend the *City of Kalamunda Local Planning Scheme No. 3* (LPS3) to include an 'Additional Use' (insert an entry in Schedule No. 2 of the Scheme Text) to facilitate the additional use of 'Community Purpose' on Lot 35 (No. 777) Welshpool Road East, Wattle Grove.
3. It is recommended that Council proceed with Amendment 115, with modification and submits Amendment 115 to the Western Australian Planning Commission for approval.

OFFICER RECOMMENDATION

That Council:

1. CONSIDER proposed Scheme Amendment No. 115 to *Local Planning Scheme No. 3* as a Complex amendment under Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

The amendment is not consistent with the local planning strategy for the scheme that is endorsed by the Commission.

2. SUPPORT the proposed Scheme Amendment No. 115 to *Local Planning Scheme No. 3* with proposed modifications.
3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required Scheme amendment documentation pursuant to Regulation 41 (Complex) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

4. **Land Details:**

Land Area:	10,000m2
Local Planning Scheme Zone:	Rural Composite
Metropolitan Regional Scheme Zone:	Rural

5. **Scheme Map:**



6. **Locality Plan:**



7. **Wider Context:**

The site is located within the North-East Sub Regional Framework (the framework) and is identified as 'urban expansion'. The intent of the framework is to provide areas for urban growth and expansion to accommodate a growing population. The City of Kalamunda (City) has prepared a Local Planning Strategy in response to the framework and has prepared a draft concept plan 'Crystal Brook Concept Plan Reset Wattle Grove South' (Jan 2021). The concept plan identifies the site as 'Rural Landscape' being a portion of land acting as a buffer between the Urban expansion zone and the Public open space area of the foothills.



Adjacent significant development resulting from the frameworks and the broader planning strategies in the area include:

- a. Maddington Kenwick Special Employment Area (MKSEA) industrial area last vacant lot recently received MODAP approval for Warehouse/Storage.
 - b. MRS and Concurrent LSP Amendment for Wattle Grove South area rezoning 126ha from Rural to Urban.
 - c. Lot 500 (32) Gavour Rd, Wattle Grove – ongoing MODAP application for 15.18Ha development of 190 Aged and Dependant Persons Dwellings (Local Planning Scheme Schedule 4 – SU20 & Local Development Plan Lot 500 Gavour Rd, Wattle Grove apply).
8. The subject site is located along Welshpool Road East which is designated under the Metropolitan Region Scheme (MRS) as an Other Regional Road (ORR) under the management of the Department of Planning Lands and Heritage. It has been foreshadowed that this road will transition to management under Main Roads WA in the foreseeable future.
 9. At its meeting of April 2025 Council adopted Amendment 115 for the purposes of public advertising, subsequent to a resolution to defer the item at the March 2025 Council meeting.
 10. In addition to the large-scale development projects outlined above the site is immediately bounded by a mixture of rural/residential land uses and a variety of commercial land use that include garden centre, place of worship, boarding kennels and reception centre. This is shown on the below figure with the corresponding approved land uses. A number of the lots have benefited from Special Use (SU) (Schedule 4 of LPS3) or Additional Use (AU) (Schedule 2 of LPS3) designations under the Local Planning Scheme as part of their approval processes.

Surrounding Approved Land Uses:

A - Animal Shelter
 B - Garden Centre
 C - Reception centre
 D - Kennels

E - Place of worship
 F - Aged and dependent dwellings
 G - Veterinarian
 H - Nursery

COMMENT

11. The applicant is seeking to amend LPS3 to include an additional use ('community purpose'). The proposed amendment will not alter the current zoning of 'Rural Composite' and 'Rural' under the LPS3 and the MRS respectively. The below table is excerpted from the applicant amendment report.

No.	Description of land	Additional Use	Conditions
TBA	Lot 35, Diagram 74676 (No.777) Welshpool Road, Wattle Grove	Community Purpose	1. The use is not permitted unless the Council has granted development approval after giving notice in accordance with Clause 9.4 (Advertise) ("A"). 2. The applicant/landowner shall prepare and implement a traffic management plan. 3. Prior to the determination of development approval by Council, the applicant shall prepare a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire.

12. The applicant has submitted the following technical documents to support their application for a scheme amendment which the City has assessed accordingly:

1. Planning Report (attachment 1)
2. Bushfire Management Plan (attachment 2)
3. Traffic Impact Statement (attachment 3)

13. The LPS3 sets out the objectives and land use permissibility for the 'Rural Composite' zone.
14. The objective of the 'Rural Composite' zone is to:
 - a) *provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.*
15. **'Community Purpose'** land use is defined in LPS3 and means:

the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
16. 'Community Purpose' is currently an 'X' use in the Rural Composite Zone under the LPS3 Table 1 – Zoning Table, meaning it is a prohibited land use within the 'Rural Composite Zoning'.
17. The Scheme Amendment Report supporting the application outlines that the additional use will facilitate the use of the land for a non-for-profit community organisation to provide moral and cultural education, social and recreational facilities and services for the benefit of the community.
18. Notwithstanding the 'X' use classification, the above figure of surrounding land uses provides context for the area, being an area of lots that provides benefits to the community through a variety of land uses. In addition to this, the subject lot is within close proximity to the recent rezoning of Wattle Grove under the MRS to 'Urban Development'. As the development within this precinct is likely to intensify through residential development, the desire for facilities that benefit the wider community will increase.
19. The applicant has submitted indicative development plans and a sample proposal for a community purpose land use in support of the proposed scheme amendment.

Indicative plans detail:

- a) Likely alterations to the existing building, façade upgrades, portico.
- b) Possible additions to the existing buildings – auditorium area, garage, bin store and storerooms.
- c) Construction of on-site car bays for the congregation along with associated circulation area.

Information on the operating hours, occupancy numbers and activities to be facilitated have also been provided and detailed on Table 1.

Table 1: Indicative hours of operation posit potential use/occupancy of the facility

Day	Hours of Operation	Patron Numbers	Activity
Monday	Nil	Nil	Nil
Tuesday	Nil	Nil	Nil
Wednesday	Nil	Nil	Nil
Thursday	Nil	Nil	Nil
Friday	7pm-9pm	30 Maximum	Meeting
Saturday	8am-5pm	50 Maximum	Meeting, lectures & other activities
Sunday	8am-5pm	50 Maximum	Meeting, lectures & other activities

20. It is noted that a separate development application with full details of any proposed development (built form and operational plans including hours of operation and occupancy) will be required to be submitted and assessed by the City should the scheme amendment be approved and gazetted.
21. Supporting information pertinent to planning requirements will be required to progress a development application including but not limited to:
 - a) Onsite effluent disposal in accordance with *State Planning Policy 2.9 Water*.
 - b) An assessment against Road and Rail noise that would impact the facility in accordance with *State Planning Policy 5.4 Road and Rail Noise*.
 - c) A bushfire attack level (BAL) assessment and bushfire management document (BMP) along with evacuation requirements (BEP) in accordance with a vulnerable land use classification and requirements as set out in *State Planning Policy 3.7 Bushfire*.
22. Supporting information in relation to a number of amenity issues as they pertain to surrounding properties will be required to support any future development application including but not limited to:
 - a) Noise in the form of an Acoustic Assessment and Noise management plan.
 - b) Operation management – occupants, and hours of operation
 - c) Stormwater drainage for any new structures to contain water on site.

- d) Signage
 - e) Revised Traffic Impact Statement outlining the impact of the development on the surrounding network in consideration of revised parameters of the area since this application has been lodged.
23. Based on the above assessment, the officer recommends the following modifications;
- a) Removal of Condition 3 as proposed in Attachment 1 – Amendment Report as bushfire documentation required to be submitted with a development application is set out in *State Planning Policy 3.7 – Bushfire Prone Planning* with documentation having to be provided in accordance with the vulnerable land use classification and requirements.

OPTIONS

- 24. Defer the item – Should Council decide to defer the item; it may cause delays in the provision of projects and loss of economic benefit to the applicant.
- 25. Not approve the officer recommendation – Should Council decide to not approve the item; the local community will lose an opportunity for a community service to be provided in Wattle Grove.
- 26. Support the officer recommendation and forward to the WAPC without modifications.
- 27. Support the officer recommendation and forward to the WAPC however, with modifications.

LEGISLATIVE CONSIDERATIONS

28. ***Planning and Development Act 2005 (PD Act)***

The PD Act is legislation that establishes Western Australia's land use planning system, including the making and amending of local planning schemes.

29. ***Planning and Development (Local Planning Schemes) Regulations 2015***

Regulation 35 of the Regulations requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard, or complex).

Pursuant to Regulation 35, the proposal is considered to be a 'complex amendment' *as it is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission*, for the following reasons:

- a) The 'Community Purpose' land use generally results in amenity impact that does not align with the objectives of the 'Rural Composite' zoning. Notwithstanding the above, amenity impact can be assessed and controlled through a development application and conditions of approval.

Clause 41 of the Regulations requires the local government to consider all submissions made during community consultation and make a resolution to support the amendment with or without modification, or to not support the amendment.

In accordance with Clause 44 of the Regulations, once Council has considered Amendment 115, it is submitted to the WAPC along with the details of the amendment.

The WAPC would present the amendment with a recommendation to the Minister for Planning within 90 days.

POLICY CONSIDERATIONS

30. State Planning Policy 2.5 Rural Planning

- a) The subject lot is zoned 'Rural' under the MRS. As such, SPP 2.5 is applicable to this proposal and any future developments.

31. State Planning Policy 2.9 Water

- a) Future development Onsite effluent disposal must consider and be in accordance with *State Planning Policy 2.9 Water* as the subject lot does not have a connection to reticulated sewerage.

32. State Planning Policy 3.7 Bushfire

- a) This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner.
- b) A scheme amendment to facilitate a vulnerable land use should refer to the requirements and bushfire protection criteria in Section 8 – Vulnerable land uses. Any future development application will be required to supply 'information to accompany the development application' in accordance with SPP 3.7.
- c) In accordance with SPP 3.7, the Department of Fire and Emergency Services (DFES) provides technical fire-related advice to inform and guide decision-making. A referral is triggered for a local planning scheme amendment containing supplementary provisions in addition to the deemed provisions relating to bushfire risk management contained in the

LPS Regulations 2015. As the officer is recommending to forward with modifications to remove Condition 3 proposed in the Amendment Report, no referral to DFES was conducted.

33. State Planning Policy 5.4 Road and Rail Noise

- a) The subject lot falls within the 300m trigger distance of a strategic freight and major traffic route per SPP 5.4. A noise management plan by a suitably qualified professional acoustics engineer or consultant is required early in the planning process to determine actual noise levels across the subject site and demonstrate that the proposal can adequately mitigate the noise impacts through use of noise attenuation measures.

34. State Planning Policy 7.0 Design of the Built Environment

- a) This policy addresses design quality and built form outcomes in Western Australia. A Development Application will be required for the future works associated with the 'Community Purpose' additional use. Any future application will be assessed against SPP 7.0 prior to determination.

35. Local Planning Policy 11 - Public Notification of Planning Proposals

- a) Any future development proposed on the subject lot may be required to be advertised in accordance with LPP11.

36. Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments

- a) LPP18 guides details and information expected to be provided as part of a scheme amendment application. The policy sets out assessment standards and matters to be considered by applicants and council.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

Priority 3: Kalamunda Develops

Objective 3.3 - To develop and enhance the City's economy.

Strategy 3.3.1 - Facilitate and support the success and growth of businesses.

Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
No internal engagement occurred as part of this report.	N/A.

External Engagement	
Process	Outcome
Community consultation for Amendment No. 115 occurred for 60 days from 27 April 26 to 26 June 2026, in accordance with the City's Community and Stakeholder Engagement Policy and the Regulations. Community consultation for Amendment No. 115 initially occurred incorrectly for 42 days from 16 February 2026 to 30 March 2026. To ensure all submissions were captured, submissions from the initial consultation period were considered. The methods of advertising included: a) Publishing the Scheme Amendment on the City's website (Engage) b) Sign on Site c) Letters to adjoining properties.	Three (3) submissions were received during the advertising period that related to the amendment proposal. One submission was in support of the proposal, another an objection, and one providing comment only. The objection received raised concerns that the amendment land use is overly broad and introduces a level of uncertainty that is inconsistent with the objectives of the zone. Concerns that recent proposals in the City demonstrate a pattern of increasingly intensive development considered in areas not intended for such uses risking the incremental erosion of rural character and amenity in the locality. It was noted that two (2) submissions were received that related to other matters that were being advertising by the City and were not related to the amendment proposal. A schedule of submissions received during the advertising period is attached to this report in Attachment 6. It is noted that lack or low level of submissions cannot be construed as tactic support. It falls to the City to undertake a comprehensive assessment of any proposal on the amenity impacts as they pertain to adjoining properties. In

	this instance supporting the amendment as proposed does not negate or prejudice the City's capacity to assess amenity impacts when a development application is lodged. As such the City retains the capacity to assess amenity impacts on adjoining properties and to undertake further advertising as part of the processing of a Development application if required.
An external referral to the Department of Water and Environmental Regulation (DWER) and the Environmental Protection Authority (EPA) was made via email.	Decision and determination from the DWER and EPA were provided to the City (attachment 4 & 5). The decision being; "Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. No Advice Given (Not Appealable)"

FINANCIAL CONSIDERATIONS

37. No immediate financial costs are anticipated as a direct outcome of this initiation report. Costs associated with scheme amendments are to be met through the Development Services annual budget.

SUSTAINABILITY

38. Social Implications

The Scheme amendment will facilitate the landowner progressing the land use required in accordance with their preferred use and operation of the landholding.

The proposed activities associated with the Community Purpose land use has the capacity to promote social interaction and a sense of belonging and inclusion which may be beneficial to the congregation and wider community. It is noted that the organisation is not-for-profit and is run by volunteer members that donate their own time and resources to assist others within the community.

39. Economic Implications

The Scheme amendment will provide a refined planning framework within which the landowner can progressing the land use required in accordance with their preferred use and operation of the landholding.

The proposed activity associated with the Community Purpose land use may attract visitors or encourage residential property purchase increasing the population using local commercial centres stimulating the local economy.

40. **Environmental Implications**

The Scheme Amendment does not propose any direct environmental impact.

Development Applications are required to deal with relevant environmental matters through the planning assessment and approval processes. As such any development application progressed will facilitate the City considering the proposal against the objective of the Rural Composite zone and the impact on the environment for example tree retention.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A		
Health & Safety	N/A		
Reputation	Council resolves not to proceed with Amendment 115 for the purpose of adoption by the WAPC.	Low	The landowner having worked in good faith with the City to progress the Scheme amendment is disappointed with the outcome and seeks to relocate their proposed operation to the detriment of the wider community.
Operation	N/A		
Environment	N/A		
Compliance	Amenity impact, the use will lead to increased traffic and noise.	Medium	The advertising period provided a pathway for adjoining residents to raise concerns in relation to traffic, noise etc. noting that the amendment proposal provided only indicative plans and a possible operational framework. Notwithstanding the lack of submissions

			received, the City has the capacity to further advertise any development application which will provide a more definitive set of plans, and operational details for consideration by the adjoining landowners. In addition, the City has the capacity to condition areas such as traffic management, noise management etc. via conditions of development approval.
Compliance	Future use of the subject site might include uses not previously considered under the current amendment.	Medium	The commission have reviewed the proposed conditions foreshadowed to apply to the scheme amendment and were comfortable the amendment text did not need to stipulate any conditions that have the capacity to be assessed under requirements of State Planning Policies and the requirements of <i>Clause 67 (2) of the Planning & Development (LPS) Regulations 2015</i>.
Project	N/A		

REGIONAL SIGNIFICANCE

41. The subject lot is located along Welshpool Road East, which continues into the City of Canning local government area (LGA). The subject lot is located approximately 2.5km from the LGA boundary along Welshpool Road East. The proposal is unlikely to impact on any other local government due to the scale of the proposal and distance from other LGAs.

CONCLUSION

42. The proposed changes of Amendment 115 to LPS3 would ensure the landowner can use the landholding in accordance with their values providing an opportunity for a wider community and economic benefit.

43. The proposal does not prejudice the wider planning framework projects in the larger area. The Proposal has the capacity to be consistent with the objectives of the 'Rural Composite' Zone and facilitates a pathway for comprehensive assessment of the project.
44. Advertising in accordance with the Regulatory framework has been undertaken with a low level of submissions received.
45. Having regard to the above, it is recommended that Council endorse Amendment 115 with modification for consideration by the Minister.

9.1.3. Proposed Use Not Listed (Brewery) - Lot 787 (No. 485) Walnut Road, Pickering Brook

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA26/0014
Applicant	STATEWEST PLANNING
Owner	FRANCESCO AND MARIA GIGLIA
Voting Requirements	Simple Majority
Attachments	1. Attachment 1 Planning Report [10.1.3.1 - 48 pages] 2. Attachment 2 Revised application documents [10.1.3.2 - 18 pages] 3. Attachment 3 Submission table [10.1.3.3 - 22 pages] 4. Attachment 4 DOH comments [10.1.3.4 - 4 pages] 5. Attachment 5 DWER comments [10.1.3.5 - 3 pages] 6. Attachment 6 DFES comments [10.1.3.6 - 5 pages] 7. Development Plans - RS [10.1.3.7 - 5 pages]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal.

EXECUTIVE SUMMARY

1. The application seeks approval for a change of use within an existing outbuilding to a proposed Use Not Listed (Brewery) at Lot 787 (No. 485) Walnut Road, Pickering Brook.

2. Due to the location of the site and the proposed land use the application was subject to internal and external technical assessment, and referred to the community for comment. All of these actions returned valid planning concerns which are fundamental to the proposal, rather than being capable of conditional approval.
3. It is recommended that Council refuse the proposed change of use (Use not listed – Brewery) due to the proposal's inconsistency with the planning framework.

OFFICER RECOMMENDATION

That Council:

1. REFUSE the application for a proposed Use Not Listed (Brewery) at Lot 787 (No. 485) Walnut Road, Pickering Brook, for the following reasons:
 - a) In accordance with Clause 67 9 (a) and (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the land use proposed is inconsistent with the aim, provisions and objectives of the Rural Agriculture zone.
 - b) The proposed use is inconsistent with the Middle Helena Catchment Area Special Control Area under Clause 6.6 the City of Kalamunda Local Planning Scheme No.3 as the use risks compromising the long-term quality of the public drinking water source.

BACKGROUND

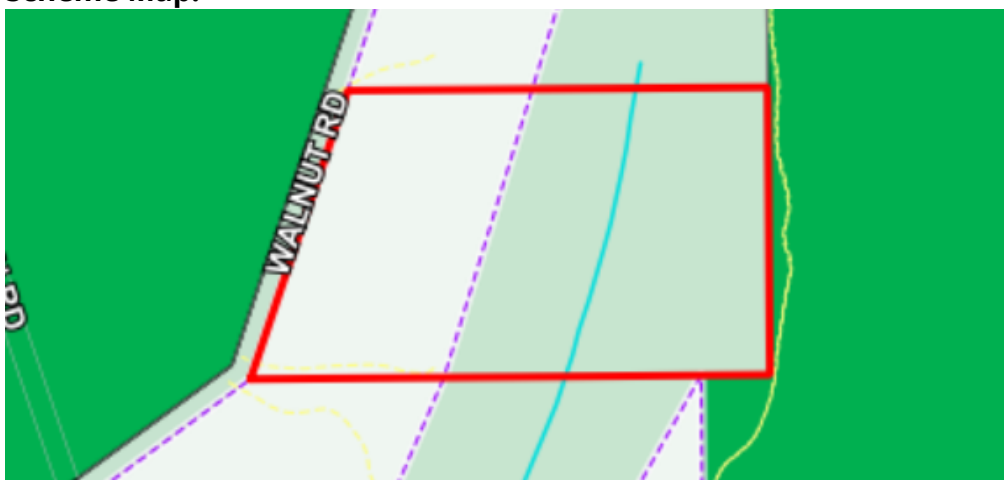
4. Land Details:

Land Area:	11.09ha
Local Planning Scheme Zone:	Rural
Metropolitan Regional Scheme Zone:	Rural Agriculture

5. Locality Plan:



6. **Scheme Map:**



7. The subject site is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural Agriculture' under the City of Kalamunda Local Planning Scheme No.3 (LPS3).
8. The site is located within a bushfire prone area and is also located within a Priority 2 (P2) area within the Middle Helena Catchment Area which is a designated special control area (SCA) under LPS3. The subject site also has a creek line which traverses through the property from the north to the south as shown in the scheme and locality plan above.
9. The subject site is currently being utilised as an Orchard with a Single House and associated ancillary structures such as an Outbuilding.
10. The City approved an Addition to Single House (Outbuilding) on the subject site in June 2024 (DA24/0124). This outbuilding on site is what is being proposed to be converted into the Brewery land use as part of this application.

COMMENT

9. **Land Use Permissibility**

A Brewery is a use that is not listed in the land use definitions of LPS3 and is therefore classified as a use not listed (Brewery) under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

10. A Brewery is defined as follows under the Regulations:

'Brewery means premises the subject of a producer's license authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.'

11. As the land use of Brewery is not listed under LPS3, the proposal is assessed as a 'complex application' as defined under Schedule 2, Part 1, Clause 1 of the Regulations. A complex application is defined as follows:

complex application means —

- a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or
- b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;

12. The proposal must be assessed against the objectives of the Rural Agriculture zone of LPS3. The objectives and an assessment against each objective is outlined in Table 1 below.

Table 1 - Objectives of the Rural Agriculture Zone

Provision	Officer Comments
To protect and maintain the hills horticultural industry.	There is no direct link between the proposed brewery and the horticultural industry existing on site and surrounding horticultural activities. The proposed brewery will not utilise local products (produced on site) and requires ingredients to be brought onsite from offsite locations. Overall, the proposal is introducing a non-horticultural industry business, that does not contribute to the maintenance of the onsite horticultural activity.
To ensure the conservation of soil and water resources important to the wellbeing of the horticulture industry.	The site is located within a Priority 2 (P2) area within the Middle Helena Catchment Area which is a designated special control area (SCA) under LPS3. The subject site also has a creek line which traverses through the property as noted above. The land use of Brewery is designated as an

	'incompatible' land use within a P2 area under the DWERs WQPN 25 Land use compatibility tables for PDWSAs which means the use can pose an unacceptable contamination risk to water quality within the applicable priority area.
Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.	Land use is not consistent with the provisions of the scheme being a 'use not listed'. Notwithstanding this, City can consider uses not listed against the objectives of the zone to determine compatibility. The land use of Brewery is designated as an 'incompatible' land use within a P2 area under the DWERs WQPN 25 Land use compatibility tables for PDWSAs .
To limit the amount of subdivision supported to that which complies with the subdivisional land use and development requirements of this zone.	N/A – No subdivision is proposed as part of this development.
To conserve the physical and visual environment of the area.	There are no physical or visual implications as the use is proposed to operate out of an existing outbuilding on the subject site.
Encourage the reduction of bush fire hazard.	The applicant has submitted the appropriate bushfire documents as part of the application including a Bushfire Management Plan. The BMP was referred to DFES and an assessment is provided below.

13. **Special Control Area (SCA) – Middle Helena Catchment Area**

The Middle Helena catchment area is the catchment for the section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam. Under Clause 6.6 of LPS3, the purpose of the SCA is to ensure the following:

- a) ensure that the long-term quality of the Middle Helena catchment as a public drinking water source is not compromised;
- b) reduce potential nutrient, contaminant and sediment export into the Helena River; and
- c) provide a planning framework for land use decision-making for landowners and local and state government.

14. The subject site is located within a Priority 2 (P2) catchment area, which means that consultation with the Department of Water and Environmental Regulation (DWER), and an assessment against DWERs Water Quality Protection Note Land Use Compatibility in Public Drinking Water Source Areas (WQPN) are required to be undertaken by the City.
15. Clause 6.6.7 of LPS3 states that in determining an application for planning approval within the SCA, the City shall have regard to the following matters:
 - a) any advice received from the Department of Water;
 - b) the Department of Water's land use compatibility table in the water quality protection note, 'Land Use Compatibility in Public Drinking Water Source Areas', incorporating the variations to that table specific to the Middle Helena catchment area (clause 6.6.5);
 - c) the recommendations of the Middle Helena Catchment Area Land Use and Water Management Strategy, particularly those specific to the relevant priority classification area;
 - d) Policy;
 - e) the requirements of State Planning Policy 2.7 Public Drinking Water Source the potential impact of the proposal on the quality of the water resource; and
 - f) the drainage characteristics of the land, including surface and groundwater flow, and the adequacy of prop
16. Under the DWERs WQPN, the objective in P2 areas is to minimise water quality contamination risks. Low levels of development consistent with the rural zoning are considered appropriate, generally with conditions.

The land use of Brewery is designated as an 'incompatible' land use within a P2 area under the DWERs [WQPN 25 Land use compatibility tables for PDWSAs](#).

17. An 'incompatible' land use means the DWER will not support land uses and activities that are shown as incompatible because they pose an unacceptable contamination risk to water quality within the applicable priority area. Applications for these land uses should be refused by decision-making authorities or referred to this department for advice, if it is likely that they will be approved.
18. The application was referred to DWER, which is discussed below in the Stakeholder Engagement section of this report.
19. **Middle Helena Catchment Area Land Use and Water Management Strategy**
As per Clause 6.6.7 of LPS3, the City shall have regard to the recommendations [Middle Helena Catchment Area Land Use and Water Management Strategy](#) relevant to the priority classification of the area.

OPTIONS

20. REFUSE the application for a proposed Use Not Listed (Brewery) at Lot 787 (No. 485) Walnut Road, Pickering Brook. As the Officer recommendation, this recommendation is consistent with the planning framework which for this area, prioritises the avoidance of groundwater contamination risk.
21. APPROVE the application for a proposed Use Not Listed (Brewery) at Lot 787 (No. 485) Walnut Road, Pickering Brook, subject to conditions and advice notes.

An approval determination would include conditions specific to the operation of the site, with a focus on mitigating the technical concerns of the local government and state agencies.

In addition to the groundwater risk of the proposal, there is also procedural risk. Given state agencies have advised they do not support the proposal – and those agencies are responsible for later approvals that are required to facilitate beverage production, an approval may not be possible to implement.

LEGISLATIVE CONSIDERATIONS

22. *Planning and Development Act 2005* (PD Act)
23. *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations)
24. *City of Kalamunda Local Planning Scheme No.3* (LPS3)

POLICY CONSIDERATIONS

25. **State Planning Policy 2.5 Rural Planning (SPP2.5)**
The SPP2.5 applies to rural land and rural land uses, including land zoned for rural or agricultural purposes in the LPS3.
26. **State Planning Policy 2.9 Water (SPP2.9)**
SPP2.9 provides measures for assessing applications within public drinking water source areas. SPP2.9 states that Proposals should, in accordance with the Guidelines:
 - a) be consistent with Water Quality Protection Note No.25: Land use compatibility tables for public drinking water source areas. Proposals inconsistent with this document should not be supported;
 - b) be referred to DWER and the relevant licensed water service provider for advice prior to making a determination on development that is use class listed as 'incompatible'.

The City notes these requirements which are consistent with the SCA scheme provisions.

27. Additionally, SPP2.9 also states that Planning decisions involving the intensification of land uses in Priority 1 and 2 areas should be based on the following and in accordance with the Guidelines:
 - there is a general presumption against the intensification of land uses;
 - planning decisions should give due regard to the detailed assessment of the associated risk to the drinking water source.
28. The proposed change of use was referred to DWER and the Department of Health for comment which are discussed further in the stakeholder engagement section of this report.
29. **State Planning Policy 3.7 Bushfire (SPP3.7)**
The subject site is located within a bushfire prone area and is therefore subject to a bushfire assessment under SPP3.7. The applicant submitted a Bushfire Management Plan (BMP) as part of the application.
30. The proposed change of use and the BMP were referred to DFES for comment which are discussed further in the stakeholder engagement section of this report.
31. **Local Planning Policy 11 Public Notification of Planning Proposals (LPP11)**
LPP11 provides guidance on circumstances when public advertising is undertaken, on the exercise of discretion under the City's LPS3. The proposed change in use of the existing outbuilding into a brewery is not a listed land use under the definitions of LPS3.
32. Clause 1 of Development Application Advertising under LPP11 specifies the types of development applications that will generally be advertised. This includes a use that is not specifically referred to in the zoning table of the LPS3.
33. The advertising of a proposal for an un-listed land use must be in accordance with the Standard Development Application – Scheme Advertising in Table 1, which is for a period of 14 days. The specified advertising period is in accordance with the requirements under Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
34. **Department of Water and Environmental Regulation's Water Quality Protection Note 25**

This note provides guidance on land uses and activities within public drinking water source areas (PDWSAs) to protect drinking water quality and public health.

This note, along with the department's Policy: Land use compatibility in PDWSAs, outline the most risky land uses and activities that need to be avoided in drinking water sources, those with some risks that can be minimised, and others which are acceptable

35. Priority 2 (P2) areas are located over land zoned rural, such as farm land and rural residential lots. The objective in P2 areas is to minimise water quality contamination risks. Low levels of development consistent with the rural zoning are considered appropriate, generally with conditions.
36. All proposed development within PDWSAs should be assessed against the tables in the protection note by land owners, developers, consultants, local government, the Western Australian Planning Commission and other decision-making authorities. Guidance on suitable conditions of approval for proposals that are compatible, with conditions can be found in the list of conditions or in the guidance information column.
37. A decision-making authority may refuse a land use that is acceptable or compatible, with conditions in these tables, for reasons other than the risk to the PDWSA. These tables do not consider these other matters which may affect the proposal and final decision.

Where a decision-making authority approves a land use that is incompatible, it should advise the department of its decision and incorporate written advice from the department into its assessment to ensure that opportunities to protect the drinking water source are maximised through approval conditions.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

In accordance with Clause 64 of the Regulations, the local government must advertise a complex application for development approval in accordance with the following methods:

- (a) Publishing a notice on the City's website (engage page)
- (b) Giving notice of the proposed development to owners and occupiers within 200m of the proposed development and
- (c) Erecting a sign in a conspicuous place on the subject site.

Community consultation for the proposed use not listed - brewery occurred for 14 days from 2 February 2026 to 16 February 2026.

The City received five (5) submissions on the proposal, of which 1 was in support and 4 were not in support of the proposed change of use application. The table below provides a summary of the key themes raised by the submissions and the City's response.

Theme	Summary of submissions
Environmental Risk	One of the main themes from the submissions is that the proposed change of use poses an environmental risk. The site is in a Priority 2 Public Drinking Water Source Area (Middle Helena Catchment Area) which specifies low-intensity, low-risk land uses. The submissions do not consider a brewery as a low-intensity and low-risk land use. The property is not currently serviced by reticulated water or wastewater. The proposed brewery relies on groundwater extraction. The water extracted from the ground via a bore or dam by the proposed brewery cannot be returned to the ground to replenish the aquifer as it is contaminated (unlike the water extracted and used for watering fruit trees on neighbouring orchards which are returned to the ground) and thereby further damaging the public drinking water source. Brewing generates high-strength wastewater, chemical cleaning residues, and organic waste. The waste generated, if inadequately treated, poses a significant contamination risk to the Middle Helena Water Catchment (P2 Area), which supplies the Helena Valley and is pumped to Mundaring Weir, ultimately providing drinking water for the Goldfield and Perth Metropolitan area. The application does not outline short, medium, or long-term compliance activities to ensure no discharge, overflow, or seepage affects to the neighbouring commercial orchards. Additionally, robust stormwater and drainage controls are absent, and no contingency plan is provided for waste management failures. It is noted in the submissions that the application does not provide: • An assessment from Department of Water and Environment Regulation (DWER)

	• Evidence of safe wastewater disposal. • A demonstration that contamination risks can be managed.
Impact on Local Ecosystems and Wildlife	The submissions also raised concerns on the impact to local ecosystems and wildlife from the proposed brewery. Storing brewing waste on-site for extended periods (at least a week as stated in the application) will attract pests and wildlife, increasing pesticide use and threatening local biodiversity, including protected species. Odour and airborne residues could affect pollination and fruit quality. It was also noted in the submissions that there would be a decline of protected species, including Carnaby cockatoos if pests are not managed appropriately on site. The proposal should further assess impact to Carnaby's Black Cockatoo roosting and breeding areas, which are environmentally significant and sensitive to disturbance. The submissions note there is no assessment of impacts on the surrounding flora in the Korung National Park which has significant dieback causing progressive death of plant tissue caused by environmental stress.
Increased Fire Risk	The property is surrounded by the Korong National Park and is classified as an extreme bushfire hazard area. The introduction of an industrial operation, the proposed brewery, with increased vehicle traffic heightens fire risk, especially given the lack of proper emergency access and evacuation plans. Further, the proposed brewery is located approximately 100/150 metres from a 40,000-litre LPG tanker on the property which is used by Hills Gas Supply to refill gas bottles for retail residential use. The submissions consider the application has ignored this highly flammable tanker and has failed to demonstrate compliance with State Planning Policy 3.7 and with the Bushfire Guidelines. Having an LPG tanker on the property appears to be contrary to the agricultural zoning of the land.
Incompatible land use with surrounding agriculture operations	The submissions note that the proposed brewery would import all brewing ingredients unlike other established agritourism businesses which use ingredients grown

	onsite. Locating a brewery, which the submissions define as an industrial activity, in this area will undermine local agriculture, and disrupt existing established orchard operations due to increased traffic on a single-lane, unmarked dead-end road. The proposed development is incompatible with intensive orchard work.
Economic and Social Impact	The proposed brewery is located between two large commercial orchards that operate 24 hours a day/seven days per week, involving machinery, bird-management devices, chemical spraying and seasonal nighttime operations. These activities are essential to horticulture but incompatible with a brewery that may later claim conflict or seek restrictions on orchard practices. LPS3 requires that new uses must not prejudice existing agricultural operations. This proposal is prejudicial to the two large commercial orchards that have been in operation for 70 years.
Traffic Impact	Traffic generation and impact on the surrounding roading network was highlighted in the submissions. The submissions consider that the existing road, Walnut Road, is not of a standard or width to safely accommodate the traffic generation from the proposed brewery in addition to the existing traffic. This raises concerns about accidents and emergency access, particularly during peak fruit harvest periods. The subject site is accessed via a single-lane, unmarked no-through road that safely accommodates only one vehicle at a time. The applicant suggests that activities are to take place approximately two days per week and packaging/distribution on two additional days. Therefore, there will be traffic on at least four days per week. Even the applicant's claim of two to three staff members on site exceeds the safe capacity of this single-lane, unmarked no through road when combined with deliveries, waste removal, service vehicles, and potential visitors (this is not taking into consideration the necessary usage of the road by the adjoining commercial fruit orchard which has multiple vehicles using the road including a large truck for fruit deliveries at various time throughout the day).

Loss of high value agriculture land	The property contains high to very high capability soils for perennial horticulture (orchards). LPS3 and the City's Rural Planning Strategy emphasize the need to protect priority agricultural land for future generations. Orchards in this locality have been successfully operated for at least three generations, demonstrating the land's suitability and strategic importance. The establishment and operation of a brewery at the site will result in loss of agricultural land.
Inconsistent with the zoning intent	There is opposition from the submissions on the proposed brewery being contrary to the intent of the zoning of the site. The objectives of the Rural Agriculture zone seek to protect agricultural land, retain rural character, and ensure land uses are compatible with agricultural production. A brewery is an industrial/commercial use and is not listed as a permitted or discretionary use in the Rural Agriculture zone under LPS3. Surrounding properties have been used for commercial orcharding for at least three generations, demonstrating long-standing agricultural continuity consistent with the zone's purpose. The introduction of an industrial brewery conflicts with the zone's objectives by displacing agricultural priority, altering rural character, and introducing incompatible operational impacts.
Tourism Development Strategy	While one of the submissions is in support of the proposed brewery contributing to the tourism and local business of the Pickering Brook area, majority of the submissions consider that the proposed brewery does not showcase local produce or enhance agriculture tourism. Rather, it risks the amenity and visual appeal of surrounding established orchards, which are key tourism asset. The Pickering Brook and Surrounds Sustainability and Tourism Strategy recommends enhancing agritourism and protecting agricultural land as a tourism asset. Agriculture in Pickering Brook contributes to: • Visual amenity and landscape character • Local identity and sense of place • Community wellbeing through access to fresh produce • Proximity to Perth, enabling direct farm-gate sales

	Replacing this agricultural landscape with an industrial brewery is inconsistent with the City's strategic planning documents and the Rural Agriculture Zone's objectives.
Cumulative impact of non-agricultural activities	Concern is noted in the submissions on the proliferation of developments or potential expansions to incompatible land uses in Pickering Brook diminishing the availability of high-value agricultural land and undermining the integrity of zoning regulations. The protection and preservation of land for agricultural purposes is paramount, particularly given the presence of existing breweries already operating in close proximity to the property. The introduction of a brewery is fundamentally incompatible with this character and threatens to erode the unique sense of place that defines Pickering Brook.

Internal Engagement	
Process	Outcome
The proposal was referred to relevant internal department as part of standard development assessment process.	Internal comments are considered within the assessment and recommendation.

External Referrals

The proposal was also externally referred to the following agencies for their comments on the proposal:

- Department of Water and Environmental Regulation (DWER)
- Department of Health (DoH)
- Department of Fire and Emergency Services (DFES)

External Engagement	
Process	Outcome
Department of Water and Environmental Regulation (DWER)	The proposal was referred to DWER in accordance with the SCA requirements of LPS3, SPP2.9 and the DWERs WQPN 25 as the subject site is located within a PS drinking water source area. DWER have objected to the proposal for various reasons, with the main reason being that the proposed development is situated within the Middle Helena Public Drinking Water Source Area (PDWSA) and is managed for Priority 2 (P2) source protection. P2 source protection areas are defined to

	ensure that there is no increase in risk of pollution to the water source. P2 areas are declared over land where low intensity development (such as rural) already exists. Protection of public water supply sources is a high priority in these areas. P2 areas are managed in accordance with the principle of risk minimisation and some development is allowed under specific guidance. According to Water Quality Protection Note 25: Land Use Compatibility tables in Public Drinking Water Source Areas (LUCT) (Department of Water, 2016), the land use 'brewery' is incompatible. An 'incompatible' use means that the risk to water quality and public health from this land use is unacceptable. DWER's comments are available at attachment 5.
Department of Health (DoH)	The proposal was referred to the DoH for comment given the location within a P2 drinking water source area and the site not being connected to reticulated sewer in accordance with SPP2.9. The DoH advised they do not support the application for the following reasons: 1. Being inconsistent with the land use compatibility under the WQPN as the land use is 'incompatible'. The DoH advised that the applicant has previously submitted an Application to Construct or Install an Apparatus for the Treatment of Sewage (Wastewater Application) which was not supported by DWER and refused on 12 February 2026. 2. Amenity Reasons ranging from medical entomology and potential site contamination. DoH advised that a brewery use can potentially be a contaminating land use. DoH's comments are available at attachment 4.
Department of Fire and Emergency Services (DFES)	The subject site is located within a bushfire prone area and therefore the proposal was referred to DFES for comment since the requirements of SPP3.7 and guidelines is of relevance. DFES acknowledges that the site currently accommodates residential and ancillary buildings, as well as an orchard and notes that the proposed development intends to repurpose one of these buildings for a microbrewery.

	DFES notes that the proposal does not include hosting visitors. Specific requirements of SPP 3.7 and the Guidelines are to be further addressed in the BMP. While DFES acknowledge that the proposed development intends to repurpose an existing non-habitable building for a brewery and the proposal does not involve hosting visitors, they raised the following comment in non-support: 1. Insufficient information to address the water supply meets the firefighting requirements of the guidelines. The BMP proposes a 10,000 Litre water tank dedicated for firefighting purposes however, the BMP or the application plans do not show the location of the tank on site. DFES note that the guidelines require the tank location to avoid being located underneath existing vegetation or where vegetation will grow against or overhang the tank, to minimise bushfire hazard. Should Council go against the officer recommendation and approve the proposed change of use, conditions would be required to ensure an updated BMP is submitted and approved by the City of Kalamunda to address the above. It is also likely that a separate development application would be required for the water tank given it would exceed the exemption in terms of size capacity under the Regulations and is not shown on the current development plans. DFES comments are available at attachment 6.
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FINANCIAL CONSIDERATIONS

38. Nil.

SUSTAINABILITY

39. Social

The Pickering Brook area is one of high amenity, with a long history of agricultural production. Business diversity has the benefit of bringing new employment opportunities to the City, and a reason to live and work within the Pickering Brook area is likely to have a positive social impact.

The Officer recommendation for refusal would result in the loss of a social benefit to the area, but result in the protection of the water resource – consistent with the objectives of the planning framework.

40. Economic

The proposed brewery would have a generally positive economic impact for the City, provided it did not adversely impact existing nearby agricultural activities.

The proposed brewery would provide production employment opportunities, and an increased branding presence of the City of Kalamunda as an area associated with beverage production.

As above, the Officer recommendation for refusal would result in the loss of an economic benefit to the area, but result in the protection of the water resource – consistent with the objectives of the planning framework.

41. Environmental

As noted in earlier sections of this report, the primary environmental risk is to groundwater – which is a critical resource not just for Pickering Brook.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Refusal may result in appeal.	Low	Appeal rights exist for all development decisions which can result in costs to the City.
Health & Safety	N/A		
Reputation	Refusal may result in perception that beverage production activities are not supported in the City.	Low	The City provides clarification that it is the high environmental risk associated with the subject site which results in a refusal recommendation. A brewery proposal on a site not within a P2 area is likely to be much more consistent with the

			planning framework.
Operation	N/A		
Environment	Should the development application be approved, the use risks compromising the long-term quality of the public drinking water source.	Medium	Council should refuse the application in accordance with the officer recommendation, or ensure an approval mitigates contamination risk.
Compliance	N/A		
Project	N/A		

REGIONAL SIGNIFICANCE

42. The Pickering Brook and Surrounds Sustainability and Tourism Strategy recommends enhancing agritourism and protecting agricultural land as a tourism asset. Agriculture in Pickering Brook contributes to:

- Visual amenity and landscape character
- Local identity and sense of place
- Community wellbeing through access to fresh produce
- Proximity to Perth, enabling direct farm-gate sales

Replacing this agricultural landscape with an industrial brewery is inconsistent with the City's strategic planning documents and the Rural Agriculture Zone's objectives.

43. The site is located within the Middle Helena catchment area which is the catchment for that section of the Helena River from the Mundaring Weir downstream to the Helena Pumpback Dam.
44. The Helena Pumpback Dam can contribute 25-40 per cent to Lake CY O'Connor's inflow, with the remaining inflow from the local catchment and Integrated Water Supply System transfers. Lake CY O'Connor is the sole water source for the Goldfields and Agricultural Water Supply Scheme and also supplies part of the Integrated Water Supply System.
45. [The Department of Planning, Lands and Heritage's Middle Helena Catchment Area Land Use and Water Management Strategy](#) states that in addition to the importance of the Middle Helena catchment area as a source of water for drinking, domestic, industrial and agricultural uses, the Helena River has

important ecological values and provides habitat for numerous plant and animal species.

46. The strategic importance of the Helena Pumpback Dam, the ongoing commitment by State Government to protect clean drinking water supply and the Swan River System, and a strong community desire to maintain the environmental values of the catchment, prompted the preparation of land use and water management strategy for the Middle Helena catchment area.

CONCLUSION

47. The application has been referred and assessed against the planning framework which applies to the site. The planning framework prioritises risk avoidance due to being in a groundwater protection area, and protection of agriculture. The assessment has resulted in concerns that risk will be introduced to both groundwater and agricultural protection.
48. Specifically, the proposal is inconsistent with the objectives of the City's Rural Agriculture Zone, as well as being inconsistent with the Special Control Area requirements of LPS3 for the Middle Helena Catchment Area.

9.1.4. Hatch Court Light Industrial Area & Stirling Crescent Precinct Local Structure Plan - Public Advertising

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 2026/02
Directorate	Development
Business Unit	Strategic Planning and Property
File Reference	3.011409 and PG-DEV-070
Applicant	n/a
Owner	Various
Voting Requirements	Simple Majority
Attachments	1. 260720 Hatch- Stirling Local Structure Plan - Parts 1-3 Inc. Technical Appendices 1-9 [10.1.4.1 - 2109 pages]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of a draft Local Structure Plan that has been developed for the Hatch Court Light Industrial Precinct and the interfacing Stirling Crescent residential precinct (the draft LSP), for the purpose of public advertising.
2. The draft LSP has been developed further to the requirements of Local Planning Scheme NO.3 (LPS 3), including requirements under clause 5.23 and Table 4 applicable to the Hatch Court Light Industrial Precinct (the Industrial Precinct) within the Structure Plan area which specify that a structure plan be prepared and

approved for properties within Hatch Court, including the interface to the residential land uses along Stirling Crescent.

3. Subject to the Council adopting the draft LSP for the purpose of public advertising, the draft LSP will be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising process will provide landowners and stakeholders a formal opportunity to comment on the draft LSP and for the City to provide a response and consider possible modifications.

OFFICER RECOMMENDATION

That Council:

1. ADOPT the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan for the purpose of public advertising.
2. AUTHORISE advertising in accordance with the requirements stipulated by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

4. Land Details:

Land Area (Total Structure Plan Area):	31.882 Hectares
Local Planning Scheme Zone:	Urban Development 4.92126 Hectares Light Industry 21.57 Hectares (Areas are net of road reserves, public open space/drainage, wetlands and living stream)
Metropolitan Regional Scheme Zone:	Urban

5. Locality Plan:



6. **History**

In 2010, the land within what is now described as the Hatch Court Industrial Precinct was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57).

7. The Industrial Precinct was rezoned to Light Industry by the Western Australian Planning Commission, with elements introduced into LPS3 in February 2018 to require a Local Structure Plan for the Industrial Precinct.

8. On 6 February 2016, Amendment 80 to the City's Local Planning Scheme No. 3 was gazetted to:

1. Rezone lots within Hatch Court from 'Urban Development' to 'Light Industry.'
2. Insert a new provision being Clause 5.23 into the Scheme which sets out additional site and development requirements for properties within Hatch Court. These include the preparation of a structure plan to address vehicle access and the interface to the residential land uses along Stirling Crescent.

Since 2016, there has been no Structure Plan in place for the Industrial Precinct.

The land on the south-east side of Stirling Crescent also does not have a Local Structure Plan to coordinate and guide development.

9. The Council at its Ordinary Meeting on 22 October 2024, resolved (OCM139/2024) to acquire Lot 13, 23 Hatch Court, which is a strategically located property that could be developed for industrial purposes or facilitate a road connection from Hatch Court to Adelaide Street.

10. The City purchased Lot 13, 23 Hatch Court on 21 November 2024 for \$3,458,750, with settlement of the transaction occurring 28 February 2025.

11. The Council also resolved Council at its Ordinary Meeting on 22 October 2024 (OCM 137/2022) to initiate a Local Structure Plan, Developer Contribution Plan, and Design Guidelines for the Industrial Precinct and Stirling Crescent precinct.

12. In 2025, the City engaged a lead consultant (assisted by a team of technical sub-consultants) to develop a Draft Local Structure Plan, to be followed by Design Guidelines and a Developer Contribution Plan or other funding mechanism.

13. In 2025, the Council developed a draft Local Planning Policy 35 for the Industrial Precinct (LPP 35). LPP 35 was adopted by Council for public advertising on 25 November 2025. Following public consultation, LPP 35 was adopted (with modifications) by Council at its Ordinary Meeting on 24 February 2026.

14. The draft LSP has been developed further to the requirements of LPS 3, including the following additional requirements applicable to the Industrial Precinct within the Structure Plan area which specify under clause 5.23 and Table 4 that:
1. *A structure plan is to be prepared and approved for the land pursuant to Part 4 of the deemed provisions and is to specifically address:*
 - a) *Traffic management including:*
 - *Provision of future vehicular access to be primarily via Adelaide Street;*
 - *Ensuring any vehicular access to Kalamunda Road does not reduce existing levels of access for adjacent properties; and*
 - *Access for lots with frontage to Stirling Crescent being provided via an internal road only.*
 - b) *Appropriate interface with existing residential development along Stirling Crescent including setbacks, landscaping, fencing and façade treatment provisions;*
 - c) *The identification and protection of environmentally significant areas within the land through the provision of appropriate buffers.*
 - d) *The identified bushfire risk in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas.*
 2. *Subdivision and / or development is to be generally in accordance with the approved structure plan.*
15. The draft LSP has also been developed by the City's project team and consultants, with regard to feedback gained through the recent public consultation on LPP 35 for the Industrial Precinct, as well as one on one meetings between City officers and landowners in the Industrial Precinct and Stirling Crescent precinct.

The City's project team has focussed on engaging with landowners at an early stage of formulating the structure plan, so as to identify and address landowner feedback and integrate this into the recommended draft LSP.

COMMENT

16. Attachment 10.1.4.1 contains the draft LSP, which is a 'Standard Structure Plan' and comprises:-
- Part One – Implementation: Sets out the statutory planning framework, implementation provisions and subdivision and development requirements

applicable to the Structure Plan area. This section also includes the Structure Plan Map.

Part Two – Explanatory Section: Provides the background information, planning context and technical justification supporting the Structure Plan, drawing upon the findings of the accompanying specialist investigations.

Part Three – Technical Appendices: The specialist technical reports prepared in support of the Structure Plan, including:

- o Bushfire Management Plan;
- o Traffic Impact Assessment;
- o Infrastructure and Servicing Strategy;
- o Local Water Management Strategy;
- o Environmental Assessment Report;
- o Site and Soil Evaluation;
- o Geotechnical Report; and
- o Economic Impact Assessment.

The draft LSP includes significant detail and analysis as to the formulation of the recommended structure plan, including analysis of options considered.

The draft LSP should be read and considered together with this report.

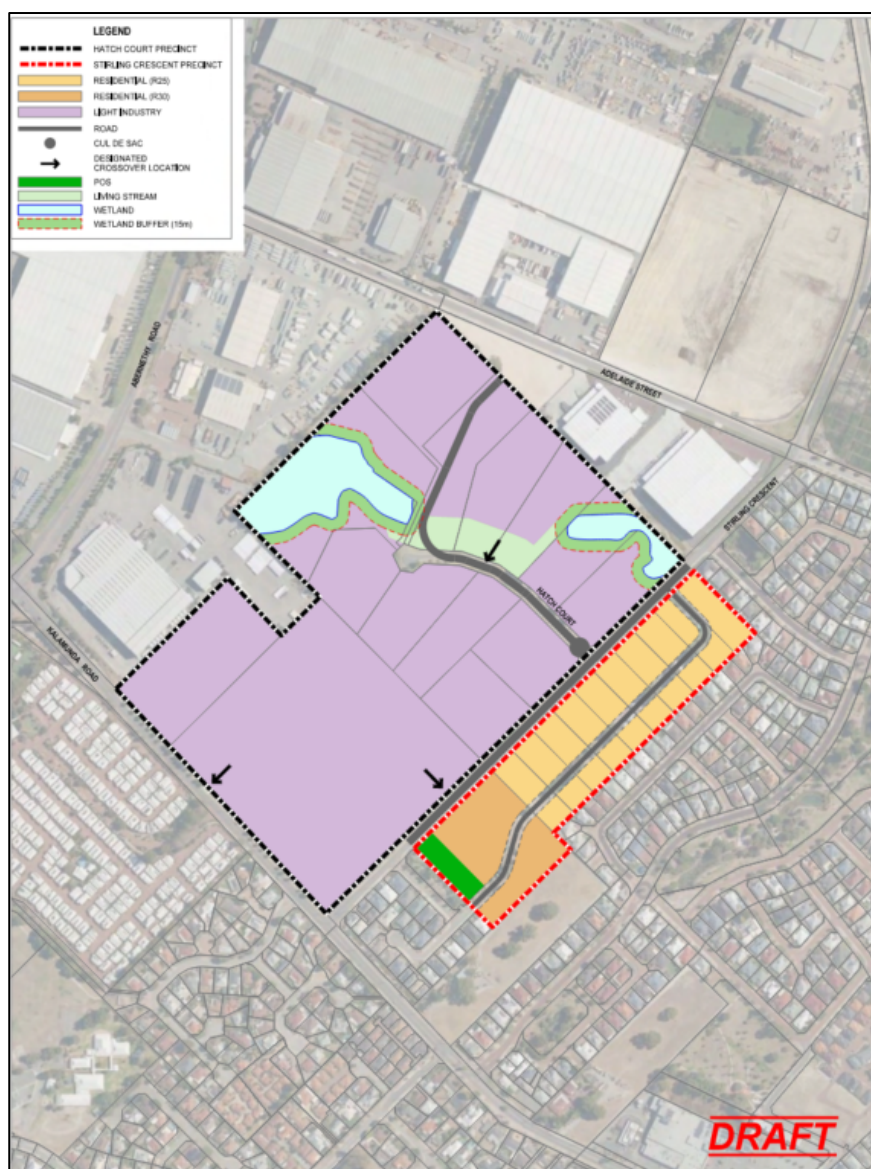
This report highlights some key points from the draft LSP, with further information as to feedback from meetings between City officers and landowners, that has assisted formulation of the recommended draft LSP.

17. **Structure Plan Map**

The Structure Plan Map illustrates the recommended concept for the two precincts:-

Hatch Court Light Industrial Precinct (area edged with black dotted line).

Stirling Crescent Precinct (area edged with red dotted line).



18. Hatch Court Light Industrial Precinct – Road Movement Network

The Structure Plan Map shows road movement network (Option 3, Section 5.3 'Part Two – Explanatory Section' of the draft LSP).

Option 3 (shown in the Structure Plan Map) includes the following principles:-

- Access road into precinct connecting from the recently constructed Peak Court (intersection with Adelaide Street) over Lot 13, 23 Hatch Court;
- Conversion of Hatch Court into cul-de-sac to comply with local planning scheme objectives to restrict industrial traffic on Stirling Crescent and protect residential amenity;
- Widening of existing Hatch Court within existing 18m wide road reserve, subject to land acquisition to facilitate creation of cul-de-sac.

Option 3 is recommended for the reasons set out in the tabulated comparison of Options 1, 2, 3, 4 & 5 in Table 4, Section 5.3, 'Part Two – Explanatory Section' of the draft LSP.

Option 3 is the most cost-effective option of the five options analysed in the draft LSP.

The illustration of the road layout for Option 3 on the Structure Plan Map is to show this as basic concept only and will be subject to detailed design and adjustments to alignment.

Landowner feedback during consideration of LPP 35 and development of the draft LSP has been useful in selecting the recommended Option 3.

19. **Hatch Court Light Industrial Precinct – Wetlands**

The Structure Plan includes two Resource Enhancement Wetlands (UFI 16226 and 15940) (the Wetlands), which will be retained in private ownership and managed in accordance with approved Wetland Management Plans provided as part of the subdivision/development application process.

EPA Guidance Statement 33, recommends a generic buffer distance of 50m for Resource Enhancement Wetlands. However, the Guidance Statement also acknowledges that a site-specific buffer assessment can be undertaken to determine a suitable buffer. Following such an assessment as detailed in Section 5.13 of Part Two of the draft LSP, The Wetlands are recommended to be provided with a reduced 15m buffer in order to protect and enhance the ecological values. There is a minor encroachment into the wetland buffer for the proposed road connecting Hatch Court to Adelaide Street.

The Structure Plan also incorporates a new living stream that will connect the two existing Wetlands located within the eastern and western portions of the Structure Plan area. A minimum 15-metre buffer is proposed around each wetland to protect and enhance their ecological values, while integrating stormwater management with environmental outcomes.

20. **Hatch Court Light Industrial Precinct – Drainage**

The Wetlands are currently joined by drainage channels with drainage easements along the alignment shown with the blue line on the following plan:-

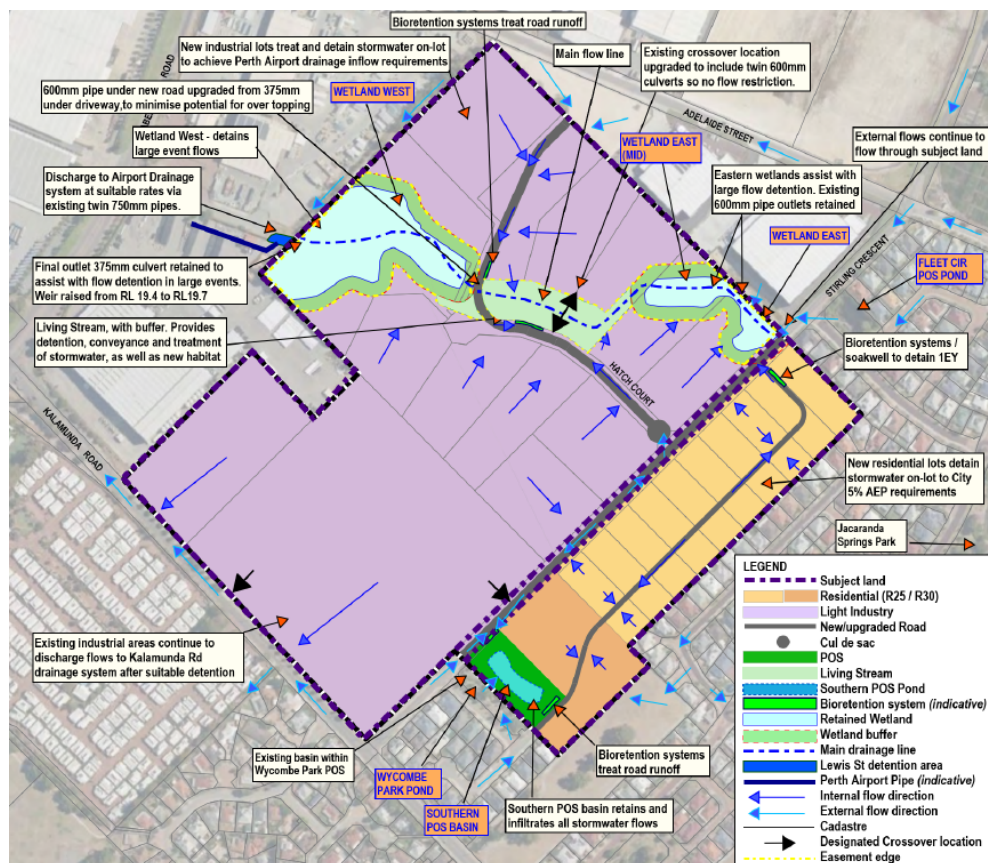


The current drainage channels divide each of Lots 11, 12 and 13 into two separate physical areas.

To address this division of Lots 11, 12 and 13 into separate physical areas, it is proposed to realign the living stream/drainage corridor, as shown on the Structure Plan Map, to run parallel to Hatch Court.

The proposed realignment will maximise the developable area on Lots 11, 12 (and to a lesser extent, Lot 13) within the requirements of the Department of Water and Environmental Regulation. As part of the realignment a section with a reduced width of 15m is proposed to connect the wetland on Lot 11 to the living stream running along Hatch Court which will be a total width of 43m.

It is expected that the living stream will be retained in private ownership, with a modified drainage easement to protect this land. As part of developing the impacted lots, it is expected that the living stream will be developed in accordance with the concept plan provided as part of the Local Water Management Report (LWMR), including the following LMWR Key Elements Plan at Figure 16, Section 8.2.1 Wetland and Living Stream Network in the LMWR:-



21. Hatch Court Light Industrial Precinct – Parkland

The Industrial Precinct will have no areas of public parkland with the existing Wetlands and the associated 15m buffer to be retained in private ownership. The living stream will however provide some level of amenity for future employees in the industrial Precinct.

The proposed living stream will also have an easement over it to facilitate City and any relevant servicing agency access, should it be required.

22. Hatch Court Light Industrial Precinct – Infrastructure Funding

Development within the Industrial Precinct is dependent on the coordinated delivery of key road infrastructure, which includes the delivery of the new 20m wide RAV4 road connection from Hatch Court via Peak Court through to Adelaide Street and also the upgrade of the existing 18m wide Hatch Court road reserve to a RAV4 standard together with the construction of a cul-de-sac at the Stirling Crescent intersection.

The provision of RAV4 standard roads within the Industrial precinct has been estimated as adding approximately 10% to the cost of road construction compared to the cost of road construction for 'as of right' vehicles only.

The draft LSP provides that due to the extent of development within this precinct that has already been approved, it is proposed to fund these common infrastructure upgrades via a Specified Area Rate (SAR).

It is not necessary for a Structure Plan to estimate the cost of this infrastructure, and cost estimates do not guarantee future pricing by contractors, particularly in a volatile construction market.

The draft LSP does however recommend the most cost-effective Option 3 to achieve road access that meets Local Planning Scheme criteria, and the City has significantly de-risked achievement of the draft LSP, by securing:-

- The provision of a 50 metre section of Peak Court intersecting with Adelaide Street, with the road construction and legal ceding of the road reserve being at no cost to Hatch Court Precinct landowners;
- The purchase by the City of Lot 13, 23 Hatch Court to facilitate the connection of Peak Court to Hatch Court.

The City has obtained the following valuation advices:-

- i. The ceding of Peak Court and providing RAV access to the proposed Structure Plan as a whole (industrial properties) will in the opinion of the valuer provide a premium to market value of approximately 10%;
- ii. A premium of 10% may in the opinion of the valuer be paid for a property with a structure plan in place.

These valuation advices are general in nature but do indicate a potential up to 20% uplift in value to land in this industrial precinct, as a result of the City's completed and proposed structure plan interventions set out in (i) and (ii) above.

Following the City's purchase of Lot 13 in late 2024, there has been significant property sale and purchase activity in the Industrial Precinct, with at least six transactions from February 2025, August 2025, June 2025, July 2025, March 2026 and April 2026.

The City has commissioned a valuation for its own property Lot 13. The licensed valuer has analysed comparable land sales evidence and estimated that Lot 13 has appreciated in value significantly since purchase by the City.

The City's valuer noted one of the comparable sales as that in January 2026 of an industrial zoned property in Sultana Road, High Wycombe sold for a reported \$627 per square metre. This property was a former house within an established industrial area, which suggests scope for an upside to industrial property land values.

The City is also aware of further recent market interest in the land within the Industrial Precinct. A number of applications for industrial development have been approved or are being progressed.

After deduction of wetlands and living stream, there is a total of 21.57 Hectares (215,700 square metres) light industrial land in the Industrial Precinct.

The City interventions including those in (i) and (ii) above are promoting significant monetary uplift in land value for the total 21.57 Hectares of light industrial land in the Industrial Precinct.

23. **Stirling Crescent Residential Precinct – Road Movement Network**

The Structure Plan also proposes a 16m-wide access road through the Stirling Crescent Precinct to facilitate residential development at the proposed R25 and R30 densities.

With the benefit of feedback gained from one-on-one meetings between officers and a number of Stirling Crescent landowners, wording has been inserted into the draft LSP to provide that the location where the proposed 16m wide road intersects with Stirling Crescent remains flexible, with the final alignment subject to further public consultation and additional servicing investigations.

24. **Stirling Crescent Residential Precinct – Residential Densities**

The residential densities currently proposed in the Structure Plan range from R25 through to R30 as it relates to 20 Stirling Crescent. The predominant residential density of R25 is considered to encourage a typical green title subdivision outcome for the predominant 4,000sqm existing lot size within the Stirling Crescent Precinct. The extent of street frontage for each lot and likely built form outcomes and lot sizes will be broadly consistent with the abutting built form, albeit slightly denser to encourage additional housing whilst still enabling double garages that will not dominate the streetscape.

Following feedback on the initial proposed R25 density, from meetings with some Stirling Crescent landowners, the draft LSP incorporates wording to the effect that a higher R30 density coding could be contemplated for the proposed R25 lots, subject to additional technical investigations.

Key to implementation of these proposed densities will be the provision of sewer disposal, which is provisionally assessed as high risk in the Infrastructure and Servicing Strategy Report (the ISS Report) for reasons provided in the ISS Report. The ISS Report analyses a range of potential solutions, most of which are assessed as cost prohibitive or unlikely to occur. The ISS Report identifies an opportunity to service a portion of the planned residential area (albeit Water Corporation has previously advised that this is outside of the approved catchment to the south and would not be considered at this time). The ISS Report recommends that more formal approaches to Water Corporation will be required to secure the appropriate approvals, which the authors of the ISS Report believe are technically possible.

The lot design and road design will also be subject to the extent of fill and retaining required to provide a gravity fed system to the precinct. In this regard, rear loaded lots with lane access will comprise part of the lot design outcome.

Early feedback from the landowner of 20 Stirling Crescent requested an R30 residential density for the property, in preference to the proposed R25 residential density. A review of this request by the project team has recommended in the draft LSP that as 20 Stirling Crescent has a larger lot size with greater frontage to the public road network as well as proximity to an area of POS/drainage reserve, it is considered appropriate to apply a higher R30 density outcome in order to encourage additional housing yield.

The proposed residential densities will ensure the delivery of a lot product that meets current market expectations whilst also interfacing harmoniously with the existing residential area that abuts the Stirling Crescent Precinct.

25. **Stirling Crescent Residential Precinct – Drainage and Public Open Space**

The draft LSP provides for the Stirling Crescent Precinct to include a portion of public open space (POS) on 20 Stirling Crescent. This POS is intended to serve a critical drainage function, as opposed to an active recreation function. Following consultation with the landowners of 20 Stirling Crescent, the size of this POS has been reduced to a minimum.

This results in the Structure Plan not providing any creditable public open space which is proposed on the basis of proximity to other high-quality public open spaces areas within the immediate area. It is expected that when subdivision and development occurs within Stirling Crescent Precinct, the 10% POS obligation will be satisfied via a cash in lieu contribution which will contribute to the embellishment and management of POS within the immediate area.

OPTIONS

26. **Option Hatch Court Light Industrial Precinct – Road Movement Network**

The Structure Plan Map shows the recommended Option 3 for road movement network, which is recommended for the reasons set out in the draft LSP.

This also includes the option of providing RAV4 standard road access into the Hatch Court precinct. The cost of providing roads to this standard in the Hatch Court precinct has been estimated as being 10% higher than the cost of providing roads to a lower design specification for 'as of right' vehicles only.

This gives scope for the Hatch Court precinct to take advantage of the existing conditional RAV access along Adelaide Street and future RAV access to Adelaide Street planned to be provided as part of improvements to the wider surrounding road network by Main Roads WA. Whilst it is reasonable to consider that future works to the surrounding road network will be cognisant of this RAV access, the City cannot guarantee seamless provision of this RAV access, as the surrounding road network is subject to the control of a number of other authorities.

27. **Option Hatch Court Light Industrial Precinct – Road Movement Network**

Section 5.3 of Part Two, Explanatory Section of the draft LSP provides in Table 4, a comparative evaluation of the pros and cons of alternative road movement network options. In brief:-

- Options 2 and 5 are non-compliant with the scheme and are therefore not recommended for this and the further reasons set out on page 18 'Part Two – Explanatory Section of the draft LSP.
- Options 4 and 5 are not recommended for reasons set out on page 20 'Part Two – Explanatory Section of the draft LSP.

Option 4 is a variation of Option 3 (Option 4 provides for the same road network as Option 3, but with an additional section of road from Hatch Court over private property to link to the boundary of Lot 200).

Option 4 has similar merits to Option 3, but is not recommended due to additional cost and impact on the landowners of Lot 15, 24 Hatch Court and Lot 51, 26 Hatch Court.

28. **Stirling Crescent Residential Precinct – Land Use**

Alternate land use options (including composite residential / light industrial; or commercial/business development similar to Special Use 5 area in LPS3) were

considered for the Stirling Crescent Precinct and are evaluated at Section 5.2, Part Two of the draft LSP.

In comparison to the proposed R25/R30 residential land use, these options were not preferred for the reasons set out in Section 5.2, Part Two of the draft LSP.

As noted in the commentary on the ISS Report, sewer disposal has been provisionally assessed as high risk for reasons provided in the ISS Report. The ISS Report identifies an opportunity to service a portion of the residential portion of the site (albeit Water Corporation has previously advised that this is outside of the approved catchment to the south and would not be considered at this time). The ISS Report recommends that more formal approaches to Water Corporation will be required to secure the appropriate approvals, which the authors of the ISS Report believe are technically possible.

An approval of the draft LSP in its current form will initiate formal consultation with Water Corporation and offers the best available means of seeking to progress the preferred residential density of R25/R30 within this precinct.

29. **Stirling Crescent Residential Precinct – Infrastructure Funding**

As highlighted above, residential subdivision and development within the Stirling Crescent Precinct is dependent upon the sewer upgrade and extension from the north on Stirling Crescent.

The draft LSP provides that the delivery of this road and necessary service extensions may occur on a landowner-by-landowner basis or through an alternate funding and delivery model such as a Developer Contribution Plan (DCP).

LEGISLATIVE CONSIDERATIONS

30. Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme (MRS), the subject sites are zoned Urban. The proposed amendment to the structure plan is consistent with the provisions of the MRS.

31. Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

The preparation of a structure plan is to be undertaken in accordance with Schedule 2, Part -4, Clause 16 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*.

Following Council adoption for the purposes of the public advertising, the proposed LSP must be advertised in accordance with clauses 18, and 87 of the Regulations.

Clauses 19 and 20 of the Regulations provide further requirements following advertisement of the proposed LSP, including a requirement that the local government must consider all submissions made to the local government within the period specified in a notice advertising the structure plan.

POLICY CONSIDERATIONS

32. Perth and Peel @3.5million – North-East Sub-Regional Planning Framework

The WAPC in March 2018 released the Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-Regional Framework (NE Framework) relevant to the City of Kalamunda and the HCLIA and SCP.

33. Liveable Neighbourhoods

Liveable Neighbourhoods is a WAPC operational policy released in 2009 to guide structure planning and subdivision for greenfield and large brownfield (urban infill) sites. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters. Liveable Neighbourhoods has guided the preparation of the HWS Residential Precinct LSP, including the principles underpinning key infrastructure such as roads, parks and drainage.

34. State Planning Policy 4.1 (SPP 4.1)

SPP4.1 applies to existing and new industrial areas and industrial uses. Its objective is to protect industry from encroachment of sensitive land use and conversely to protect sensitive land uses from potentially hazardous industrial activity.

35. State Planning Policy 7.3 – Residential Design Codes

The Residential Design Codes (R-Codes) apply to Residential or similar zoned land. The core objective is to ensure appropriate residential design and density in line in accordance with LPS3 and the Structure Plan. The primary application of the R-Codes as it relates to the LSP area is residential density and development requirements including lot size. All development must adhere to the general site and design requirements of SPP 7.3 where applicable.

36. State Planning Policy 3.6 – Infrastructure Contributions Guidelines

State Planning Policy 3.6 – Infrastructure Contributions Guidelines (SPP 3.6) provides the State's policy control and guidance to DCPs, setting out a framework for the coordination and delivery of infrastructure in new and established urban areas throughout WA. The central intent of SPP 3.6 is to establish the eight (8) core principles to be applied when preparing and administering a DCP.

37. State Planning Policy 3.7 – Bushfire

State Planning Policy 3.7 – Bushfire (SPP 3.7) published in September 2024, ensures that all planning proposals have due consideration to bushfire protection requirements. SPP 3.7 and the supporting Planning in Bushfire Guidelines contains objectives and policy measures relating to strategic planning proposals in bushfire prone areas, including Structure Plans.

38. Position Statement: Public Open Space

The Position Statement: Public Open Space establishes that structure plans should refer to the anticipated POS contributions (land and/or cash in lieu) to be provided at subdivision stage and how these contributions will assist in ensuring adequate extent, quality and function. POS provision is required within the Stirling Crescent residential precinct.

39. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans

Local Planning Policy 28 (LPP 28) guides the City's responsibility for the preparation of structure plans to achieve the implementation of the WAPC's NE Framework, and the information required for structure plan proposals.

40. Local Planning Policy 35 – Hatch Court Light Industrial Area

Local Planning Policy 35 (LPP 35) provides guidance for appropriate planning controls that would allow subdivision and development to occur prior to adoption of a Local Structure Plan, Development Contribution Plan and Design Guidelines for the Hatch Court Light Industrial Area.

STRATEGIC PLANNING ALIGNMENT

41. *Kalamunda Advancing Strategic Community Plan to 2031*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

Priority 3: Kalamunda Develops

Objective 3.3 - To develop and enhance the City's economy.

Strategy 3.3.1 - Facilitate and support the success and growth of businesses.

Strategy 3.3.2 - Attract and enable new investment opportunities.

Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
Circulation of technical reports and assessments to internal stakeholders for review and comment.	Internal stakeholder comments provided to consultant team.

External Engagement	
Process	Outcome
Submissions Invited	There has been a focus on early engagement with landowners. All landowners have been invited by the City to provide written feedback as well as through one on one meetings with City officers. Landowner feedback has where appropriate been integrated into (and has assisted in shaping) elements of the draft local structure plan. Examples of this are provided in this report.
Information Sessions	Following the LPP 35 public consultation, the City addressed a letter dated 22 January 2026 to landowners in the Hatch Court and Stirling Crescent Precinct and the Hillview Lifestyle Village on 22 January 2026. The letter offered a range of engagement options by way of one-on-one conversation over the phone or one on one in person information sessions were offered with officers. The City addressed a further letter dated 1 May 2026 to landowners to offer the opportunity to provide written feedback through a questionnaire as well as to meet with a member of the project team

	for a project update as well as an opportunity to discuss individual landowner circumstances and ask further questions. Meetings with landowners of 14 properties took place following the offer. This represents over 56% of the 25 privately owned properties. In addition, the City has exchanged written correspondence and telephone communication with landowners.
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FINANCIAL CONSIDERATIONS

42. Costs associated with the preparation of the draft LSP document and technical reports were met through the Development Services annual budget.

SUSTAINABILITY

43. Social

Once construction is completed, it is estimated that a total of 2,235-2,792 direct and indirect jobs in the local and regional economy will be generated.

The proposed Stirling Crescent residential precinct is estimated to provide up to 140 residential serviced lots for homes to be constructed to address widely reported housing shortages. This is an increase of 129 lots from the current 11 lots.

44. Economic

Implementation of the draft LSP is expected to generate significant economic benefits, including projections of:-

- \$539.2-\$665.1 million of construction output (direct and indirect) to the economy.
- The construction phase is estimated to generate between 335-414 direct construction jobs, plus another 451-556 production-induced indirect FTE jobs and 425-524 consumption-induced indirect FTE jobs elsewhere in the economy.
- The ongoing employment from within the Structure Plan will result in \$887.2-\$1,108.6 million in direct and indirect economic output per annum.
- The Stirling Crescent Precinct has the capacity to generate up to \$14.5-\$15.8 million in consumption expenditure per year.

- The industrial and residential development within the Structure Plan will generate approximately \$1.6-\$2.0 million of additional rates revenue per annum.

45. Environmental

The draft LSP addresses wetland and wetland buffer considerations and provides for the creation of a living stream to link the wetlands.

RISK MANAGEMENT

46.	Consequence	Event	Rating	Action
	Financial	Significant adverse stakeholder response to publication of draft LSP on Council agenda. Not proceeding with the structure plan will waste professional fees incurred.	Low	Advertise draft LSP and consider responses and whether/how the draft LSP can be modified. If City ultimately does not proceed with structure plan, the City has the option to mitigate by recovering wasted costs by selling the City's landholding Lot 13, which has increased in value significantly since purchase.
	Health & Safety	None		
	Reputation	Significant adverse stakeholder response to publication of draft LSP and associated reports.	Medium	Multi disciplinary consultant team utilised to design structure plan with oversight from internal project team. Engagement undertaken with stakeholders prior to completing design of draft structure plan. Modifications made to draft structure plan design where possible, with

			acknowledgement of stakeholder input. Consider advertising draft structure plan and responses, with opportunity to modify draft structure plan.
Operation	None		
Environment	Failure to protect environmental considerations eg regarding wetlands and drainage.	Low	Consultants team included environmental expertise to design structure plan. Early engagement with DWER to ascertain living stream design to address environmental considerations.
Compliance	Legislative breach in design or implementation of structure plan.	Low	Multi disciplinary consultant team utilised to design structure plan with oversight from internal project team. Advertise draft structure plan and consider responses in accordance with legislative requirements.
Project	Delays in progressing Structure Plan and further project steps including detailed design and costing and potential land development transactions within the precinct. Loss of opportunity to progress realisation of significant economic benefits.	High	Consider advertising draft structure plan and responses, with opportunity to modify draft structure plan.

REGIONAL SIGNIFICANCE

47. An Economic Impact Assessment report has been obtained by the City. This projects a range of benefits upon full development of the two precincts within the draft LSP. Many of these are either of a significant nature likely to have regional significance or have been expressly identified as having regional impact:-

- A projected \$539.2-\$665.1 million of construction output (direct and indirect) to the economy.
- The construction phase is estimated to generate between 335-414 direct construction jobs, plus another 451-556 production-induced indirect FTE jobs and 425-524 consumption-induced indirect FTE jobs elsewhere in the economy.
- Resultant development is likely to be anchored by transport, postal and warehousing, manufacturing and construction, followed by wholesale trade, mining and other services (i.e. repair and maintenance), and supplemented by business services, professional services and other supporting services benchmarking to the current industrial mix in the existing Forrestfield / High Wycombe industrial precinct.
- Once construction is completed, it is anticipated that a total of 2,235-2,792 direct and indirect jobs in the local and regional economy will be generated.
- The ongoing employment from within the Structure Plan will result in \$887.2-\$1,108.6 million in direct and indirect economic output per annum.
- The Stirling Crescent Precinct has the capacity to generate up to \$14.5-\$15.8 million in consumption expenditure per year.
- The industrial and residential development within the Structure Plan will generate approximately \$1.6-\$2.0 million of additional rates revenue per annum.

CONCLUSION

48. The draft LSP has been designed with the benefit of inputs from a team of professional consultants. Initial consultations with stakeholders including regulators and meetings with landowners have informed aspects of the proposed structure plan design, as noted in this report.

49. Approval to advertise the draft LSP will enable formal statutory consultation to proceed, with consultees having the opportunity to provide inputs after review of

a full suite of documentation comprising the draft LSP and supporting technical reports.

50. Approval to advertise the draft LSP will progress towards the requirements in LPS3 for a structure plan to be prepared and approved for properties within Hatch Court, including the interface to the residential land uses along Stirling Crescent.

9.2. Infrastructure Reports

9.2.1. Kalamunda Bus Station Upgrade Works

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	3.006277
Applicant	Public Transport Authority (PTA)
Owner	City of Kalamunda
Voting Requirements	Simple Majority
Attachments	1. Attachment 1 Kalamunda Bus Station Upgrade Works [10.2.1.1 - 1 page]

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The Public Transport Authority (PTA) is proposing the temporary relocation of Transperth bus services from Kalamunda Bus Station to parking bays on Mead Street for approximately three months while the bus station is upgraded to achieve compliance with the Disability Discrimination Act (DDA).
2. Council approval is sought to temporary dedicate 13 existing on-street parking bays on Mead Street, between Central Road and Railway Road, for the exclusive use of PTA to provide bus services during the works. The parking bays are currently under management and control of the City.

OFFICER RECOMMENDATION

That Council:

1. SUPPORTS the temporary relocation of Transperth bus operations to Mead Street, between Central Road and Railway Road, for approximately three

months during the Kalamunda Bus Station Disability Discrimination Act (DDA) upgrade works.

2. APPROVES the temporary exclusive use of 13 on-street parking bays on Mead Street, between Central Road and Railway Road, for the duration of the works for use as a temporary bus station; and the temporary replacement of the existing parking restrictions signs with the appropriate bus stop signs.
3. NOTES that the Public Transport Authority will be responsible for all costs associated with temporary works, reinstatement and community communications.
4. AUTHORISE the Chief Executive Officer to enter into a negotiated arrangement for payment for use of the bays and for the income to be spent on parking and traffic upgrades in the Town Centre.

BACKGROUND

4. The proposal would make 13 existing public car parking bays unavailable for public use during the three-month period, however, would enable the PTA to continue offering uninterrupted public transport services within the Kalamunda Town Centre.
5. The proposed location on Mead Street has been supported by the City's Traffic Engineer as a safe and suitable location for a temporary bus facility. The proposal includes the establishment of four temporary bus stands and associated traffic management measures, all to be funded and delivered by PTA, in place of 13 existing public parking bays.
6. The PTA have proposed to commence works in mid-October, however this will be dependent on Council approvals.
7. The temporary bus facility is required to:
 - a) Provide safe and efficient bus operations;
 - b) Maintain existing bus timetables and connections;
 - c) Retain convenient access to the Kalamunda town centre; and
 - d) Minimise impacts on surrounding land uses.

COMMENT

8. PTA has identified Mead Street as the preferred location for temporary bus operations, as shown in Attachment 1.

9. The location meets PTA's operational requirements and offers the following advantages:
 - a) Capacity for four bus stands (approximately 20–25 metres each);
 - b) Safe bus movements and circulation via the nearby roundabout network;
 - c) Proximity to the existing bus station, supporting continuity of services;
 - d) Reduced interaction with pedestrians and businesses due to its "back-of-house" location;
 - e) No adverse impacts to sightlines;
 - f) Lower impact on nearby residential properties compared to other options; and
 - g) Continued access to the Kalamunda town centre while maintaining timetable reliability.
10. The proposal will utilise existing bus stops on Mead Street and 13 on-street parking bays for the duration of the works. These will need to be appropriately re-signed to prohibit public parking throughout the duration of the temporary use as a bus facility.
11. PTA will be responsible for:
 - a) Funding and delivering all temporary works, including signage, line marking and traffic management;
 - b) Providing a dilapidation report prior to commencement of works;
 - c) Reinstating the affected area upon completion of the project in accordance with the *"Local Government Guidelines for Restoration and Reinstatement in WA"* and to the satisfaction of the City; and
 - d) Covering all costs associated with the temporary relocation and reinstatement works.
12. Delegations are in place for the Chief Executive Officer and Director Infrastructure to approve parking restrictions, however this doesn't extend to parking stalls. As this proposal will require temporary parking restrictions on parking bays that meet the definition of a parking stall in the City's Parking and Parking Facilities Local Law 2019 s1.5, Council resolution is required under s2.1 to approve a temporary variation to the use of the bays.

OPTIONS

13. Barber Street was assessed as an alternative location but was found unsuitable as the road width does not allow buses to pass each other safely. This would restrict operations and require buses to reposition via Haynes Street, resulting in operational inefficiencies.
14. Haynes Street was also assessed as an alternative location; however, it was deemed unsuitable due to existing traffic calming treatments and a central

median, significant constraints associated with street trees, high traffic volumes within the town centre, and potential community concerns arising from the temporary loss of on-street parking.

- 15. A final option would be to not approve the request. This would require the PTA to look elsewhere and would likely delay their project and delivery of accessible bus station facilities. It could also interrupt public access to public transport and ease of accessing the Town Centre during the temporary works, if a temporary facility cannot be established in the nearby vicinity.

LEGISLATIVE CONSIDERATIONS

- 16. *Parking and Parking Facilities Local Law 2019*
- 17. *Local Government Act 1995* [s. 3.5(1), 3.12(4)]

POLICY CONSIDERATIONS

- 18. Not Applicable.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.3 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
To ensure consistent messaging, the City’s Manager Stakeholder Relations will oversee and support where appropriate.	The proposal has been internally assessed by the City’s Traffic Engineer and Senior Transport Planner to ensure the proposal is safe for other road users.

External Engagement	
Process	Outcome
PTA will be responsible for all community and stakeholder communications associated with the temporary relocation, including public notifications, passenger information and project updates.	Ensure the public are suitably informed of the temporary changes, including road users and public transport users.

FINANCIAL CONSIDERATIONS

19. All costs associated with the temporary bus relocation, construction works and reinstatement will be borne by PTA. There are no direct financial implications for the City.
20. The City may charge the PTA a fee for the temporary use of public parking bays in accordance with the City's Fees and Charges Schedule or through a negotiated arrangement. Under the current Fees and Charges, the use of 13 parking bays at a rate of \$50 per bay per day over a three-month period would result in an estimated fee of \$58,500. While the Fees and Charges Schedule provides concession rates for charitable organisations, these concessions do not apply to the PTA.
21. Notwithstanding this, as the PTA is a public authority and the parking bays would continue to support public access and transport services rather than being used for an exclusive private purpose, it is recommended that Council authorise the CEO to negotiate the total fee payable by the PTA. This approach would support the continued delivery of uninterrupted public transport services. It is further recommended that any revenue received be allocated to parking and traffic improvement projects within the Town Centre.

SUSTAINABILITY

22. Social
Supports continued access to public transport services during the upgrade works.
23. Economic
Minimises disruption to town centre businesses by maintaining public transport connectivity.
24. Environmental
Not Applicable.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Damage to City infrastructure requiring remedial works.	Low	Agreement with PTA ensures all costs will be borne by them as part of the project.
Health & Safety	Collision risk	Low	The location has been carefully assessed by both the PTA and appropriate experienced City Officers.
Reputation	Community complaints regarding temporary loss of parking amenity.	Low	The loss of parking bays is temporary and will ensure public transport can continue to meet the needs of many.
Operation	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Compliance	The temporary bus stands will not be constructed to a compliant and safe standard for use on a public road.	Low	The PTA have undertaken full project planning to ensure no non-compliance with any relevant standards
Project	N/A	N/A	N/A

REGIONAL SIGNIFICANCE

25. Not Applicable.

CONCLUSION

26. With respect to sightlines, no adverse impact is anticipated. Currently, motorists exiting the Coles car park can only obtain a clear view of approaching traffic on Mead Street by moving slightly forward beyond the line of parked vehicles. This condition will remain essentially unchanged if the existing on-street parking bays are temporarily converted to bus stops.

The typical eye height of a driver in a passenger vehicle is approximately 1.15m above ground level. Both parked cars and buses extend above this height and therefore have a similar effect on a driver's line of sight. From the perspective of a passenger vehicle driver, a parked car can present a comparable sightline obstruction to a bus.

Given that the existing sightline constraints created by on-street parking on Mead Street are currently accepted and navigated safely by drivers, it is reasonable to conclude that a temporary replacement of these parking bays

with bus stops is unlikely to result in a material change to driver visibility or operational conditions.

27. The temporary relocation of bus operations to Mead Street represents the most suitable option. This arrangement makes use of the existing bus stop infrastructure and the section of Mead Street currently occupied by 13 on-street parking spaces. Its location along the "back-of-house" interface of the shopping centre minimises impacts on Town Centre business operations and activity. Consequently, it is expected to result in lower overall disruption to both local businesses and visitors compared with alternative arrangements.

9.2.2. Pervious Development Materials

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	AGM 2026/1; OCM 2026/12
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	3.003069
Applicant	N/A
Owner	City of Kalamunda
Voting Requirements	Simple Majority
Attachments	Nil

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The purpose of this report is to present the research of the application and impacts of pervious development materials upon the integrity of the trees to Council, which was requested as an outcome of a motion in the February 2026 Ordinary Council Meeting.
2. The research presented is focused on pervious materials which can be used within the notional root zones (as defined in AS 4971 – 2025) of trees to assist the long-term viability of the trees. Pervious pavements can be designed to reduce infrastructure damage from tree roots and can benefit tree health by providing passive irrigation and airflow to tree roots.
3. Given the additional costs and uncertainties associated with the performance, durability, and service life of pervious pavement materials compared with widely used impervious alternatives such as concrete, it cannot currently be demonstrated that pervious options provide superior value for money.

It is recommended that the City incorporate and promote the use of pervious materials through relevant policies and guidance documents, including verge

development guidelines and tree planting standards, as these are developed or reviewed. However, it is not recommended that the use of pervious materials be mandated at this stage. Instead, provisions allowing for their application should be encouraged in locations where they are likely to deliver the greatest benefit, rather than requiring their use across all situations.

4. It is also recommended that the City trial the use of pervious materials in selected locations to further evaluate their feasibility, costs, benefits, performance, and maintenance requirements under local conditions. Specially in problem locations where the City is currently experiencing conflicts between built infrastructure and trees, or where a pervious material may contribute towards a stormwater drainage solution. A small-scale trial of pervious pavement materials would improve understanding of their performance, maintenance requirements, and whole-of-life costs under local conditions.

OFFICER RECOMMENDATION

That Council:

1. NOTES the findings presented in this council report.
2. REQUESTS the Chief Executive Officer to implement a trial of pervious materials in specific locations within the City where there are known conflicts between built infrastructure and trees, or where a pervious pavement may contribute towards effective stormwater management.
3. REQUESTS the Chief Executive Officer to incorporate appropriate provisions for the use of pervious materials within City guidelines, standards and policies as these are created and reviewed.

BACKGROUND

5. A motion at the Ordinary Council Meeting (24 February 2026) requested the City of Kalamunda to research and mandate materials such as pervious concrete for use in the Kalamunda McDonald Development and all other developments where there are major incursions to the notional root zones of the trees.
6. At the Ordinary Council Meeting on 24 February 2026, Council resolved that it:
 1. ACCEPTS the Minutes of the Annual Electors Meeting held on 3 February as detailed in Attachment 1.
 2. NOTE the motion carried at the Annual Electors Meeting.

3. In response to the motion, REQUESTS the Chief Executive Officer research the application and impacts of development materials upon the integrity of trees, provide recommendations from the research and incorporate appropriate updates into the City's policies by 22 September 2026.
7. The motion noted research indicating that conventional concrete is impervious and the resultant restriction of the movement of water, oxygen, and nutrients into the soil can potentially limit access to water resources for tree roots. Extensive coverage of the root zone with impervious materials may affect the long-term health and viability of trees, whereas pervious pavement solutions, such as pervious concrete, can help maintain greater water and air infiltration to the root environment.

COMMENT

8. Pervious development materials can refer to a wide range of products and are often described as permeable or porous pavements. Permeable pavement designs are where the pavers themselves are impervious but the gaps between the pavers allow for water infiltration, making them pervious overall. Porous materials refer to designs where the material itself is pervious (such as pervious concrete). Different types of pervious materials have different benefits and drawbacks, are suited in different applications and have different design costs. From an engineering perspective, there also needs to be consideration of other factors such as strength, stability and stress to ensure the product can function as required.
9. During the research, resourcing was identified as a key risk to the broad or mandatory implementation of pervious pavement materials. These materials are generally more costly than conventional impervious alternatives to install, although some costs may be offset through reduced requirements for drainage infrastructure, irrigation, and roadworks. Additional challenges include a limited understanding of long-term maintenance requirements and whole-of-life costs, a lack of data to verify material performance and expected asset life, and constrained availability within local supply chains. Examples of additional associated lifecycle maintenance costs include relaying of pavers that have lifted / subsided to create tripping hazards, replacement of cracked pavers and additional weed and vegetation management for vegetation growth within gaps.
10. Pervious pavements can be designed to allow infiltration of water into the ground and prevent tree root incursion into the base layers under the pavement. Research trials have shown that tree root growth into certain types

of base layers is limited (in size) and tree roots can seasonally die off and regrow. These base layers have a specific volume of voids (air pockets) that allow for the movement of air and water but limits the growth of the tree roots. This prevents the pavers lifting and causing maintenance issues. The infiltration of water through the pavement encourages the roots to grow in the soil below the pavement layers which is desirable to mitigate damage to infrastructure yet still allow for healthy root growth.

11. Pervious pavements can also be installed over the roots of existing trees without adversely impacting the long-term viability of the tree, however installation requires pre-planning and specialist arborist/engineering advice. The pavement still needs to be installed at buffer distance (for example, 1m) from the tree trunk as trees have a tendency to lift themselves up from the ground as they grow, however it can be installed within the notional root zone. The buffer distance and designs should be assessed by a qualified arborist.
12. Use of pervious pavements has become increasingly common in eastern Australia, specifically in city councils such as the City of Mitcham and City of West Torrens in Adelaide. Other research trials have investigated the use of pervious pavement designs.
13. Pervious pavements can be used in footpaths, car park bays, laneways between residential buildings, within roads, and linked to rain gardens, verges and tree pits to use harvested stormwater for passive irrigation. Industry case studies have reported that these pavements are an effective method to manage stormwater in urban infill areas where the cost of installation of conventional drainage systems was not feasible.
14. Pervious pavements have been successfully implemented in heavily trafficked areas. Examples include the Olympic Park in Sydney and the Leppington bus depot in New South Wales. However, these developments are still relatively too new to establish the overall expected useful life, maintenance and whole life costs of the pavement as compared to a typical concrete pavement to confidently establish whole of life cost benefit value from these projects, given concrete is a very long-life asset.
15. In Perth, city councils such as the Town of Victoria Park and City of Belmont have implemented various types of pervious pavements in some of their projects.
16. The preferred way forward is to trial pervious interlocking concrete pavers in selected parking areas near trees, subject to site-specific arborist, drainage and

pavement design advice. For footpaths, pervious interlocking pavers are likely to provide the best overall outcome.

OPTIONS

17. The City promote the use of pervious materials through relevant policies and guidance documents as they are developed or reviewed, while not mandating their use at this stage. Instead, their application should be encouraged in locations where they are likely to provide the greatest benefit, such as areas experiencing conflicts between trees and built infrastructure or where they may contribute to stormwater management outcomes, assessed on a case-by-case basis. It is also recommended that the City undertake targeted trials in selected locations to assess the feasibility, costs, benefits, performance, maintenance requirements, and whole-of-life costs of pervious pavement materials under local conditions.

This is the recommended option.

18. An alternative option is for the City to mandate the use of pervious materials through all relevant policies, standards and guidance documents for both City-delivered projects and applicable third-party developments. This approach could support improved water infiltration outcomes to better support trees.

However, mandating the use of pervious materials is expected to increase project delivery costs, with preliminary estimates indicating that the purchase of materials for footpath construction and renewal works could increase by approximately 30-40% compared to using conventional impervious materials. This recommendation also carries several risks and uncertainties, including limited data regarding long-term performance, durability, useful life and whole-of-life costs, as well as a limited number of local suppliers.

These considerations are particularly relevant given the City's current constrained financial environment and existing financial sustainability challenges associated with delivering and maintaining its asset renewal programs. In addition, there may be practical difficulties in consistently enforcing such requirements for public authorities and utility providers undertaking works within the road reserve, as reinstatement obligations are often governed by State legislation and utility-specific regulatory frameworks that may not align with the City's material specifications. As a result, implementation would require further consideration of compliance, enforcement mechanisms and potential exemptions.

This is not recommended.

- 19. An alternative option would be to encourage the use of pervious materials through City materials and guidelines and encourage third parties use this in particular cases where proposed works are in proximity to mature trees or new tree plantings on a case-by-case basis. This would be as a stand-alone change with no pilot use of materials.
- 20. An alternative option would be to defer a decision until the completion of a trial in selected locations to full test the costs, availability and outcomes.

LEGISLATIVE CONSIDERATIONS

- 21. Local Government Act 1995
Local Government (Administration) Regulations 1996

POLICY CONSIDERATIONS

- 22. Procurement Policy 2026

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.
Strategy 2.1.4 - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

Priority 2: Kalamunda Clean and Green

Objective 2.2 - To achieve environmental sustainability through effective natural resource management.
Strategy 2.2.3 - Produce cost effective solutions to reduce the reliance and volume of potable and ground water used by the City.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
N/A	N/A

External Engagement	
Process	Outcome
Limited stakeholder engagement has been undertaken with Arbor Centre to discuss pervious pavement designs. The City of Kalamunda has contacted two other Perth councils that have used pervious pavement designs for commentary on their experience.	Examples of concept designs for pervious pavements and industry case studies discussed.

FINANCIAL CONSIDERATIONS

23. Detailed cost analysis of pervious pavements should be investigated. It is known that pervious pavement materials are generally more expensive than impervious materials, however costs of installing these may be offset by reduction in other costs such drainage systems, irrigation, and road maintenance.
24. An example of a high-level cost comparison between the material costs of one type of pervious pavement (A), impervious brick pavement (B) and impervious concrete pavement (C) for 1m² is presented below. Note that this pricing varies greatly depending on the product selected including types of underlying base materials, reflects the material purchase price only and does not include installation costs.

Option A	Option B	Option C
\$78	\$47	\$51

25. Furthermore, local suppliers of pervious pavements are limited, which may limit supply availability, increase the risk of maintenance costs if product lines are discontinued, and potentially limit flexibility in sourcing value-for-money options (for example, if only one quote can be obtained). Suppliers would also need to be assessment against the requirements of the City's procurement policy.

SUSTAINABILITY

26. Environmental

Urban Forest:

Use of pervious material around trees and other vegetation can resolve some infrastructure conflicts and benefit the long-term health of the vegetation by providing passive irrigation. This would address the following actions from the Urban Forest Strategy:

- a) Action 2.18: Implement innovative retrofitting solutions for addressing infrastructure and community conflicts with existing mature trees.

- b) Action 2.25: Incorporate Water Sensitive Urban Design principles into City projects to retain vegetation and ensure pre-development hydrology and water quality is maintained.

27. **Climate Change:**

Academic research trials by the University of South Australia have reported that pervious pavements can be linked to underground storage tanks, and solar-powered pumps to irrigate vegetation. These systems can be built to be carbon neutral where the cost of production of the pervious system is offset by the vegetation over its life cycle. This would address the following actions from the Climate Change Action Plan:

- a) Action 1.18: Demonstrate an increase in the amount of carbon sequestered locally by new planting programs.
- b) Action 4.6: Investigate drainage improvements at known flash flood points of transport system within the City and continue to upgrade stormwater infrastructure using water sensitive urban design methods. Ensure that modelling caters for climate change.

RISK MANAGEMENT

Reputation	If pervious materials do not function well or as intended it may generate complaints and negative publicity regarding lack of proper planning, waste of money and insufficient infrastructure.	High	Undertake a staged approach to mandating pervious materials and progressively build on third-party engagement and undertake trials to support use.
Operation	Limited data pertaining to performance may increase maintenance needs and put pressure on operating teams. Local experience, knowledge and guidance may result in delays addressing defects or issues.	Medium	Undertake a staged approach that builds on information and lessons learnt from previous stages to ensure that operations continue with minimal delay.
Environment	The risk of environmental harm of implementing pervious material is generally considered low. Better environmental outcomes would likely be observed	Medium	Review the appropriate applications of pervious materials in various settings

	from implementation of pervious materials, however there may be contamination risk if these are used in inappropriate industrial/commercial settings (for example, at fuel depots).		before mandating these materials.
Compliance	Alternative engineering approaches can require re-evaluation of standard practises (for example, different levels of compaction under pervious pavements). This may raise issues of compliance with Australian engineering standards.	Medium	Engaging consultants with specialist knowledge to ensure designs are fit for purpose.
Project	Mandating pervious materials with a limited understanding of the costs, practical implementation and constraints would likely result in frequent increased time and costs to projects.	High	Undertake a staged approach that builds on information and lessons learnt from previous stages to ensure that projects continue with minimal delay, rework or cost variation.

REGIONAL SIGNIFICANCE

28. N/A

CONCLUSION

29. Application of pervious materials around existing trees (within the notional root zones up to buffer distance from the tree trunk) is viable and can be used to help retain vegetation, however there are additional costs and risks to consider. Developments such as McDonalds could use pervious materials for this purpose where there are established trees close to development areas.
30. The City can investigate how private developments can be encouraged to incorporate these development materials to create better environmental outcomes on a case-by-case basis and encourage the use of these in suitable

locations by making provisions for these in future documents as they are reviewed and created.

31. A small-scale trial of pervious materials/pavements in suitable locations would help to inform use in future within City and third-party projects.

9.2.3. Rationalisation and Optimisation of Assets

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 216/2017; OCM 134/2018; OCM 259/2021
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	3.009530; ED-02/035; 3.009764; 2.00725; 3.010276; RL- 01/002
Applicant	N/A
Owner	City of Kalamunda
Voting Requirements	Simple Majority
Attachments	1. Attachment 1 Rationalisation & Optimisation of Assets [10.2.3.1 - 3 pages]

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of proposed rationalisation of facilities comprising of four buildings and one skate park.
2. The City is responsible for a substantial and diverse asset base of ~ \$1B gross replacement value. As with many local governments across Australia, the City faces increasing pressures associated with asset renewal, maintenance, operational costs, compliance obligations, and changing community requirements.
3. At the Ordinary Council Meeting 28 July 2026, Council endorsed the City's Building Asset Management Plan. The Building Asset Management Plan (AMP) indicated that the City has a substantial funding gap of \$4.3M a year over the next 10 years associated with its building portfolio, to provide safe and functional community facilities.
4. The Building AMP outlined that rationalisation is a strategy to reduce this funding gap. Rationalisation refers to the demolition or disposal of City assets.

Reducing the number of facilities in the City's management reduces the overall funding required to upkeep a safe and serviceable standard.

5. City staff are preparing a strategic approach for the consideration of rationalisations which will be presented to Council later in the year. This will include the principles and process to identify candidates for rationalisations, engage community and identify alternative offerings.
6. In the interim, the City has identified a number of facilities which are potential candidates for immediate rationalisation. The facilities are in poor condition and require investment in the short term. However, the facilities exhibit one or more of the following characteristics which indicate that rationalisation is an appropriate consideration:
 - a) Low levels of utilisation
 - b) Significant forecast renewal and maintenance liabilities
 - c) Availability of alternative facilities or service delivery options
 - d) Limited strategic community benefit
7. The proposed rationalisation program for 2026/27 includes:
 - a) Skate Park – Canning Road (adjacent Kalamunda Water Park)
 - b) Administration Building Store and Toilet Block
 - c) Kostera Oval Kiosk
 - d) Forrestfield Scout Hall
 - e) Edinburgh Road Centre
8. Rationalisation of these facilities is anticipated to improve the sustainability of the City's asset portfolio. Forecast savings associated with avoided renewal and maintenance expenditure is estimated to exceed \$1.5 million over a 15-year period.

OFFICER RECOMMENDATION

That Council:

1. ENDORSE the preparation of a future report outlining a strategic approach to rationalisations.
2. APPROVE the rationalisation and demolition of the following facilities in the 2026/27 financial year:
 - a) Skate Park – Canning Road;
 - b) Administration Building Store and Toilet Block;
 - c) Kostera Oval Kiosk;

- d) Forrestfield Scout Hall; and
- e) Edinburgh Road Centre.

3. NOTE that the proposed rationalisations are low consequence and forecast to reduce future capital renewal and operating expenditure to support the long-term financial sustainability of the City's asset portfolio.

BACKGROUND

9. Rationalisation is a recognised strategy to create a more financially sustainable portfolio.
10. Current portfolio performance indicators highlight long-term sustainability challenges, including renewal funding constraints and the significant maintenance burden of ageing facilities.
11. It is best practice to continually review infrastructure provision to optimise the City's service delivery with consideration of the financial sustainability of the organisation.
12. At the Ordinary Council Meeting 28 July 2026, Council endorsed the City's Building Asset Management Plan. The Building Asset Management Plan (AMP) indicated that the City has a substantial funding gap of \$4.3M a year over the next 10 years associated with its building portfolio, to provide safe and functional community facilities.
13. The Building AMP outlined that rationalisation is a strategy to reduce this funding gap. Rationalisation refers to the demolition or disposal of City assets. Reducing the number of facilities in the City's management reduces the overall funding required to upkeep assets and allows the City to direct its funding to high value initiatives and goals.
14. Benchmarking against a number of metropolitan local governments indicates that the City has a high number of buildings relative to population size, as outlined in the table below.

Local Government	Population	Area	Buildings number
Kalamunda	63,827	324km ²	230
Armadale	109,218	560km ²	193
Perth	34,624	21km ²	84
Joondalup	160,003	99km ²	158
Nedlands	25,104	20km ²	94
Gosnells	141,279	128km ²	75

15. There are a number of facilities identified as being in poor condition, considered at the end of useful life and requiring significant works to restore the condition. Four buildings have been identified as potential candidates for rationalisation, due to the following characteristics:
- a) Low levels of utilisation
 - b) Significant forecast renewal and maintenance liabilities
 - c) Availability of alternative facilities or service delivery options
 - d) Limited strategic community benefit
16. This report also includes consideration of the demolition of one skate park, in alignment with previous decisions of Council.
17. A summary of the proposed rationalisations are as follows:

Facility	Condition	Usage	Comments
Skate Park, Canning Road	Fair to poor	Minimal	Superseded by Rotary Kalamunda Skate Park at Stirk Park
Admin Building Store	Poor to very poor	Nil	Not used by community and surplus to admin needs
Kostera Oval Kiosk	Poor	1 day per annum	Ongoing asbestos management
Forrestfield Scouts Hall	Very poor	Nil	Scouts ceased operating and building beyond repair
Edinburgh Hall	Poor	Nil	FIRS ceased operating and building requiring substantial investment

COMMENT

18. **Skate Park – Canning Road, Adjacent to Kalamunda Water Park (36 Collins Road, Kalamunda)**

At the Ordinary Council Meetings 28 November 2017, Council considered the Stirk Park Master Plan and resolved to consider the inclusion of the skate park at Stirk Park and the closure of the existing skate park located on Canning Road. Public consultation was undertaken regarding this proposal, and at the Ordinary Council Meeting 24 July 2018, Council resolved to endorse the Stirk Park Master Plan with skate functionality at this site. The Rotary Kalamunda Skate Park at Stirk Park has been operational since November 2023.

19. The City undertook monitoring of the use of the Canning Road skate park. In 2025, over 180 patrols were undertaken at randomly selected times of the day including weekends with only three confirmed sightings of users. This indicates users have now largely transitioned from the Canning Road facility to Stirk Park, which provides a contemporary and significantly improved service outcome.

20. The Skate Park facility on Canning Road is 22 years of age. The half pipe element is in poor condition, and the concrete elements are in fair condition. Significant capital renewal investment would be required to address deteriorated infrastructure and ongoing safety risks.

21. There may be potential to investigate the commercial sale of the half pipe asset through a competitive expression of interest process. It is recommended to rehabilitate the site through low-cost landscaping treatments until a broader strategic use for the site is identified.

22. **Administration Building Store and Toilet Block (2 Railway Road, Kalamunda)**

The building is 59 years of age and in poor to very poor condition.

23. The building has been progressively converted from an ablution facility to storage use, with showers and toilets partially removed. The building has no community use and is only accessed by City staff.

24. The building is surplus to needs, and demolition may allow future expansion of parking for the administration building.

25. **Kostera Oval Kiosk (3 Recreation Road, Kalamunda)**

The building is 51 years old and in poor condition. The building was originally constructed through funding obtained by the Lions Club WA.

26. The facility is used occasionally by the Agricultural Society for ticket sales and limited storage associated with the Kalamunda Show. Usage occurs only a few days annually and suitable alternative accommodation options are available such as temporary event infrastructure. The Agricultural Society will be consulted and supported to transition to suitable alternative arrangements before the facility is demolished. The City will also consult the local chapter of the Lions Club WA.

27. The building also requires ongoing asbestos management. Continued investment is not considered cost-beneficial given the low level of utilisation.

28. Demolition of the facility would allow for the future improvement and formalisation of parking for oval and Kalamunda Performance Arts Centre users.

29. **Forrestfield Scout Hall (23 Morrison Road, Forrestfield)**

Council adopted the Hartfield Park Master Plan at the Ordinary Council Meeting 24 August 2021. The plan acknowledged that that Forrestfield Scouts had ceased operating and the building was flagged to be decommissioned due to its deteriorated condition.

30. The building has since remained vacant for several years and is fenced and unsuitable for occupancy. Redevelopment opportunities are constrained due to its location which is within protected bushland. The Master Plan and associated Aboriginal Heritage approval recommended that this area be retained and protected as bushland.

31. It is recommended to consider revegetation options and conservation fencing at this location.

32. **Edinburgh Road Centre (known as FIRS) (35 Edinburgh Road, Forrestfield)**

The building is 56 years old and in poor condition. The building has been vacant for 12 months and would require substantial investment up to \$600,000 to house new users.

33. There are a number of community halls and centres in proximity including Woodlupine Family Centre, Forrestfield Hall and Anderson Road Community Centre. It is therefore determined that the Edinburgh Hall is not a high priority for substantial renewal expenditure.

34. As a freehold property, the site presents future redevelopment opportunities.

35. **Process for Future Rationalisations**

The City understands the value of community facilities to users and the broader social benefits. Whilst the rationalisations presented in this report are of low consequence, it is likely that the City will nominate further rationalisations in the future which may be of higher consequence.

36. City staff are preparing a strategic approach for the consideration of rationalisations which will be presented to Council later in the year. This will include the principles and process to identify candidates for rationalisations, engage community and identify alternative offerings.

OPTIONS

37. **Rationalise the proposed facilities**

Council is able to enact the officer recommendation and rationalise the proposed facilities. There may be reputational consequences for the rationalisation of facilities. However, all facilities nominated in this report have either no use or limited use and have alternative service offerings in proximity.

38. **Retain any of the proposed facilities**

Council is able to decide to retain any of the facilities listed. Retention of under-utilised or duplicated facilities has financial consequences which impact the overall sustainability of the City. If retention of any facilities is preferred, Council should make budget provision for the renewal and maintenance of these facilities. Council should also consider alternative options to improve asset sustainability.

LEGISLATIVE CONSIDERATIONS

39. The demolition of infrastructure constitutes a disposal of the building asset for asset management and financial reporting purposes. However, it is generally not a disposal of property under section 3.58 of the *Local Government Act 1995* because no property interest is being transferred to another party.

POLICY CONSIDERATIONS

40. The City's Asset Management Policy outlines Council as the stewards for the City's assets, with responsibility for strategic direction. The policy outlines that Council will consider the disposal of assets that are no longer deemed required or serviceable.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations.

Strategy 3.2.2 - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
The proposed rationalisations were considered at various cross functional teams including the Property group, Infrastructure Board and Kalamunda Leadership Team.	Internal stakeholders contributed cross functional knowledge including relevant data and considerations for the proposed facilities.
The proposed rationalisations were presented to Council at the strategy session in December 2025.	Socialisation of rationalisation candidates and portfolio considerations.

External Engagement	
Process	Outcome
The City will engage with formal users of the Kosteria Oval Kiosk.	The City will consider comments from community accordingly prior to rationalisation.
The City will install signage to notify informal facility users or interested parties for a 30-day period before demolition.	

FINANCIAL CONSIDERATIONS

41. The City is faced with a number of challenges related to the management of assets and associated maintenance costs. In budget deliberations with Council it was outlined that the City needs to find a balance through managing asset renewal backlogs, optimising the condition of assets and investing appropriate funding into renewal programs.
42. Building rationalisation is a key strategy utilised by the City to effectively manage City assets whilst engaging with the community to effectively meet their needs. In comparison to other Local Governments, the City has a large number of old buildings in a relatively poor condition. The large number of old buildings results in the City incurring increased maintenance and depreciation charges.
43. Council endorsed the 2026/27 budget which includes \$190,000 to undertake the demolition and reinstatement of the subject facilities.
44. Forecast savings associated with avoided renewal and maintenance expenditure are estimated to exceed \$1.5 million over a 15-year period.

Facility	Cost to Retain (15-year)
Skate Park Canning Road	\$115,242
Admin Building Store	\$17,621
Kostera Oval Kiosk	\$123,422
Forrestfield Scout Hall	\$681,236
Edinburgh Road Centre	\$646,394

45. The City's Building Asset Management Plan (2026) predicted a significant funding gap of \$4.3M per annum over the next 10 years.
46. Buildings of low utilisation continue to incur costs to the City such as:
 - a) Rectification of vandalism and graffiti
 - b) Securing vacant facilities
 - c) Compliance maintenance
 - d) Asbestos monitoring
 - e) Maintaining structural integrity and safety
 - f) Insurance

SUSTAINABILITY

47. Social: The proposed rationalisations are not expected to impact social outcomes as offerings are duplicated.
48. Economic: Not applicable
49. Environmental: The demolition of the Forrestfield Scouts Hall has positive environmental outcomes through conservation of the adjacent bushland.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Retention of surplus assets results in ongoing costs that are not aligned with community benefit, impacting the City's long-term financial sustainability.	High	Rationalise identified assets and redirect funding toward higher-priority assets and services with greater community value.
Health & Safety	Ageing infrastructure continues to deteriorate, increasing the likelihood of asset failure and potential injury to users or the public.	High	Eliminate ongoing public safety risks associated with deteriorated assets through rationalisation or continued funding.
Reputation	Community concern or negative perception arising from the removal of long-standing facilities.	Medium	Undertake engagement and notification, clearly communicate rationale and benefits, and support affected user groups through transition arrangements where required.

REGIONAL SIGNIFICANCE

50. Not applicable

CONCLUSION

51. The proposed rationalisations reflects contemporary local government asset management practice and responds to the City's long-term financial sustainability challenges.
52. The facilities identified for rationalisation are characterised by poor condition, low to no utilisation, significant renewal requirements and limited strategic value.

53. Accordingly, it is recommended that Council endorse the following rationalisations:
- a) Skate Park – Canning Road (adjacent Kalamunda Water Park)
 - b) Administration Building Store and Toilet Block
 - c) Kostera Oval Kiosk
 - d) Forrestfield Scout Hall
 - e) Edinburgh Road Centre
54. Future consideration of an approach to rationalisations will allow Council to review the different models of facility provision, alongside costs and community impacts, to set strategic direction.

9.3. Corporate Reports

No reports presented.

9.4. Community Reports**9.4.1. Public Health Plan 2026-2028**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items

Directorate

Community

Business Unit

Place and Community Experience

File Reference

Applicant

N/A

Owner

N/A

Voting Requirements

Simple Majority

Attachments

1. Healthy Together Kalamunda [**10.4.1.1** - 40 pages]
2. Healthy Together Kalamunda - Plan on a page [**10.4.1.2** - 1 page]
3. Healthy Together Kalamunda PAB Presentation [**10.4.1.3** - 5 pages]

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The Healthy Together Kalamunda Public Health and Wellbeing Plan 2026–2028 provides the City's strategic framework for improving community health and wellbeing in accordance with the *Public Health Act 2016*.
2. The Plan is informed by local health data, community engagement and the State Public Health Plan, and establishes 60 actions across the four focus areas of Prevent, Promote, Protect and Enable.
3. It integrates public health outcomes into existing City service delivery, ensuring implementation is achieved within current resources and aligned with the City's

strategic priorities. Adoption of the Plan will enable the City to meet its legislative obligations while supporting a healthier, safer and more connected community.

OFFICER RECOMMENDATION

That Council:

1. ADOPT the draft *Healthy Together Kalamunda Public Health and Wellbeing Plan 2026–2028* (Attachment 1), prepared in accordance with Section 45 of the *Public Health Act 2016*.
2. AUTHORISE the Chief Executive Officer to
 - a) Publish the adopted Public Health and Wellbeing Plan on the City's website in accordance with Section 46 of the *Public Health Act 2016*; and
 - b) Provide a copy of the adopted Public Health and Wellbeing Plan to the Chief Health Officer, Department of Health, in accordance with Section 45(5) of the *Public Health Act 2016*.

BACKGROUND

4. The *Public Health Act 2016* requires all local governments to prepare and adopt a Local Public Health Plan that is consistent with the State Public Health Plan.
5. The City's previous Community Health and Wellbeing Plan has been reviewed and updated to align with the State Public Health Plan 2025–2030, current local health data, community feedback and the City's existing strategic and operational planning framework.
6. The resulting *Healthy Together Kalamunda Public Health and Wellbeing Plan 2026–2028* replaces the previous plan and fulfils the City's legislative obligations.

COMMENT

7. The Plan provides a coordinated framework for improving health and wellbeing across the City over the 2026–2028 period.
8. It has been developed using evidence from the WA Department of Health, demographic information, community engagement and existing City service delivery, resulting in 60 actions organised under four statutory focus areas of Prevent, Promote, Protect and Enable.
9. Year 1 actions are embedded within existing service planning and approved operational budgets. Actions identified for Year 2 will be considered through the City's annual business planning and budgeting process.

10. Progress will be tracked through annual reporting to Council and Department of Health will be monitoring implementation to ensure compliance with the *Public Health Act 2016*.

OPTIONS

11. 1. Adopt the *Healthy Together Kalamunda Public Health and Wellbeing Plan 2026–2028* as per the Officer recommendation
12. 2. Adopt the *Healthy Together Kalamunda Public Health and Wellbeing Plan 2026–2028* with any resolved minor amendments to be made post adoption.
13. 3. Defer the item, the City would not meet its obligations under Section 45 of the *Public Health Act 2016*. The City would be required to seek an extension from the State and undertake further work before a compliant Public Health Plan could be adopted.

LEGISLATIVE CONSIDERATIONS

14. *Public Health Act 2016*

- Section 45 – Preparation and adoption of Local Public Health Plans. ([Public Health Act 2016 - Section 45](#))
- [Section 46 – Publication of adopted Local Public Health Plans.](#)

POLICY CONSIDERATIONS

15. There are no direct policy implications arising from this report/plan.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilities and provides quality lifestyles choices.

Strategy 1.1.1 -- Ensure the entire community has access to information, facilities and services.

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.

Strategy 1.3.1 - Support local communities to connect, grow and shape the future of Kalamunda.

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
Cross-organisational collaboration involving more than 25 service areas and review of 33 service delivery plans	Actions align with existing service delivery, are clearly assigned to lead business areas and can be delivered within existing resources.
External Engagement	
Process	Outcome
Public consultation on the earlier draft occurred in two phases; early engagement in June 2023 and formal public comment from 10 November 2023 to 31 January 2024. Participation was invited through workshops, online surveys, pop-up events and the City's engagement platform.	The community sought a shorter clearer plan; specific and measurable actions; clearer cost and resourcing information; stronger links between priorities and actions greater attention to accessibility, disability and mobility; and visible reporting on delivery. In response the plan was streamlined to 60 practical actions each with a lead business area, timeframe and evaluation measure. Actions were strengthened across accessibility, active transport, mental health, youth, healthy ageing and culturally safe services, with annual progress reporting proposed.
Engagement with East Metropolitan Health Service, a State Government health agency, to review the draft Plan and ensure alignment with the <i>Public Health Act 2016</i> and the State Public Health Plan framework.	The Plan was revised to align with the <i>Public Health Act 2016</i> and State framework, strengthening the link between evidence, priorities and actions, and identifying potential implementation partners.

FINANCIAL CONSIDERATIONS

16. Implementation will occur within existing operational budgets and city service delivery plans. The draft Plan does not introduce any new unfunded operational positions, capital projects or grant commitments.

SUSTAINABILITY

17. Social: Improves community health, wellbeing, inclusion, safety and social connectedness across all life stages.
18. Economic: Supports a healthy and productive community while embedding actions within existing resources and encouraging partnerships.
19. Environmental: Promotes healthy environments through environmental health, climate resilience, active transport, urban greening and protection of natural assets.

RISK MANAGEMENT

The risks below were identified during preparation of the plan. With the exception of Reputational and Compliance, which depend on Council's adoption of the plan. These risks have already been addressed through controls incorporated into the plan and its proposed implementation arrangements.

Consequence	Event	Rating	Action
Financial	Implementation exceeds available resources.	Low	Actions are embedded within existing annual service planning and budgets
Health & Safety	Public health priorities are not effectively addressed.	Medium	Delivery monitored through annual reporting and evaluation.
Reputation	Failure to adopt a compliant Public Health Plan	High	Adopt the Plan and meet statutory obligations.
Operation	Actions are not delivered consistently across the organisation	Low	Clear lead service areas, implementation planning and annual reporting.
Environment	Environmental health risks are not adequately addressed.	Low	Actions incorporated under the Protect focus area.
Compliance	Failure to comply with the <i>Public Health Act 2016</i>	High	Adoption and reporting in accordance with legislative requirements
Project	Delays in implementation.	Low	Actions integrated into existing business planning and governance processes.

REGIONAL SIGNIFICANCE

20. The Plan contributes to broader State public health priorities by aligning with the [State Public Health Plan 2025–2030](#) and supports collaborative delivery with government agencies, health providers and community organisations across the region.

CONCLUSION

21. The draft *Healthy Together Kalamunda Public Health and Wellbeing Plan 2026–2028* provides a contemporary, evidence-based framework for improving health and wellbeing across the City.
22. It meets the City's legislative obligations under the *Public Health Act 2016* , aligns with the Strategic Community Plan and integrates public health outcomes into existing service delivery without requiring additional unfunded resources.
23. Adoption of the Plan will position the City to deliver coordinated public health initiatives and report annually on progress to both Council and the Department of Health.

9.5. Office of the CEO Reports**9.5.1. Statutory Review of Local Laws**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 2026/53
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Voting Requirements	Absolute majority
Attachments	1. Fencing Local Law 2016 submission [10.5.1.1 - 2 pages] 2. Fencing Local Law 2016 (Gazette version) [10.5.1.2 - 11 pages] 3. Standing Orders Local Law 2015 (Gazette version) [10.5.1.3 - 23 pages] 4. Health Local Law 2011 (Gazette version) [10.5.1.4 - 28 pages]

TYPE OF REPORT**Legislative**

Includes adopting Local Laws and Town Planning Schemes. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal.

EXECUTIVE SUMMARY

1. Council has the following local laws that require review:
 - Health Local Law 2011, made on 15 August 2011.

- Standing Orders Local Law 2015, made on 21 December 2015.
 - Fencing Local Law, made on 27 June 2016.
2. Changes to the *Local Government Act 1995* (Act) that came into effect at the end of 2024 impact these local laws, requiring a review process to be undertaken prior to 6 December 2026.
 3. Council resolved at its 26 May 2026 OCM to review the local laws and commence the process to satisfy the statutory review requirement of section 3.16 of the Act.
 4. Public consultation for the local laws to be reviewed ran from 27 May to 17 July 2026. One submission was received.

OFFICER RECOMMENDATION

That Council:

1. RECEIVES the review of the following local laws:
 - (a) Shire of Kalamunda Health Local Law 2011, made on 15 August 2011, published in Government Gazette No. 188 on 7 October 2011.
 - (b) Shire of Kalamunda Standing Orders Local Law 2015, published in Government Gazette No. 16 on 29 January 2016; and
 - (c) Shire of Kalamunda Fencing Local Law 2016, made on 27 June 2016, published in Government Gazette No. 159 on 2 September 2016.
2. DETERMINES in accordance with section 3.16(4) of the *Local Government Act 1995* that the local laws require amendment; and
3. NOTES that an amendment local law will be presented to Council in 2027 for the purpose of giving effect to (2) above.

BACKGROUND

4. Legislative reforms introduced by the *Local Government Amendment Act 2024* by way of clause 65 of Schedule 9.3 affect local laws that had not been reviewed under the previous review period prescribed by the Act.
5. As previously advised at the Ordinary Council Meeting on 24 March 2026 (OCM 2026/26), the City has a number of local laws that were not reviewed under the previous review period prescribed by the Act. These local laws are liable to be repealed after 6 December 2026 due to recent local government reforms in the form of the *Local Government Amendment Act 2024*.

6. Work has been proceeding to develop replacements for the local laws affected, as well as addressing a range of age and obsolescence related issues with some local laws and by-laws made under the old Local Government Act 1960. Some of these have now been repealed by the new Activities in Thoroughfares and Public Places Local Law 2026.
7. Not all the City's local laws, impacted by the automatic repeal scenario, require complete and total replacement. The trio of local laws the subject of this report were presented to Council on 24 May 2026, where Council resolved (OCM 2026/53) to commence a statutory review process in order to satisfy the requirements of section 3.16(4) of the Act.
8. The review is presented to Council for consideration, for acquittal of the statutory review requirement.

COMMENT

9. The purpose of a local law review is for Council to assess the effectiveness and utility of the local law, and to make a corresponding determination as to what to do with it – amend it, repeal it, or leave it as-is.
10. There is no requirement to publish the results of a review of local laws. Council's resolution at the end of a local law review must give effect to section 3.16(4) of the Act, in order to satisfy the legislative basis for having completed a local law review.
11. A local law review is not an amendment process. If Council decides to amend a local law, it will need to commence a separate local law amendment process under section 3.12 of the Act, as Council would with any other local law amendment.
12. In accordance with section 3.16(2) of the Act, local public notice is required to be given for 6 weeks, and was given on 29 May 2026 for 7 weeks. One submission was received, in respect of the Fencing Local Law 2016.
13. Once Council determines the local laws are reviewed and require amendment (or repeal, or remain unchanged), these local laws will still continue to have legislative effect after 6 December 2026 and beyond, because the review requirement of the Act will have been met.
14. It is recommended that Council determine the local laws are reviewed and require amendment, as it has been identified that aspects of the local laws require updating. It is not recommended the local laws be repealed, as there is no replacement for them.

Health Local Law 2011

15. The Health Local Law was published in the Gazette on 7 October 2011 and amended on 4 May 2012 (Gazette No. 70 of 2012). It has not been reviewed since then. This renders the Health Local Law liable to repeal on 6 December 2026.
16. The end of the transitional implementation phase of the *Public Health Act 2016* also takes effect at the end of this year. With it, the last remnants of the *Health (Miscellaneous Provisions) Act 1911* will be repealed. The final repeal of the old legislation will also remove the head of power previously used to make Health Local Laws (by way of s. 342 of that Act). Whilst local laws made under that Act can continue once the head of power is gone, because s. 38 of the *Interpretation Act 1984* allows it, the local law should still be updated to account for this change, as it refers to a range of powers and functions under the old legislation that will no longer exist.
17. As with the other local laws requiring review, Kalamunda is no longer a 'Shire' but a City, no longer has a Shire President, and so forth.
18. Having a Health Local Law is a necessity to allow the City to deal with specific aspects of public health management in the district, consistent with the City's role as the local public health management agency under the *Public Health Act 2016*. Some of these subjects involve public sanitation, lodging houses, septic tank apparatus, and poultry farms.
19. For these reasons it is recommended that Council determine the Health Local Law requires amendment.

Standing Orders Local Law 2015

20. The Standing Orders Local Law was published in Government Gazette No. 16 on 29 January 2016 and has not been reviewed since that time. It too is liable for repeal on 6 December 2026.
21. Similar to the Health Local Law, there are a range of terminology changes that can be made for housekeeping purposes, as well as an isolated typographical error to correct. There may also be scope for Council to consider any desired adjustments to procedures relating to deputations or other improvements to keep the Standing Orders contemporary with industry practice.
22. It is not recommended that Council adopt a 'wait and see' approach with the Standing Orders in the hope the Department of Local Government will release the uniform meeting procedures instrument circulated for public comment three years ago. There has been no information forthcoming from the

Department as to when this instrument will come into effect, or even if it is still intended to introduce such an instrument.

23. It is recommended that Council determine the Standing Orders require amendment.

Fencing Local Law 2016

24. The Fencing Local Law was published in the Gazette on 2 September 2016 and has not been reviewed since.
25. As with the other local laws that require review, there are terminology changes that should be made to the Fencing Local Law to ensure it is contemporary and reflect the district's 'City' status. There are other practical changes required, such as updating references to the Residential Design Codes contained within it, because the Residential Design Codes have been superseded with a new version since this local law was made.
26. One submission was received in response to the advertisement of the local law review process. This submission was in respect of the Fencing Local Law and is dealt with in the attached submission Table to this report. There are no changes recommended to be made to the local law as a consequence of the submission.
27. However, for the same reasons as the other local laws, it is recommended Council determine the Fencing Local Law requires amendment.

OPTIONS

28. Council could decide to proceed with individual amendment local laws at a future date, to address the minor issues identified by this review, or deal with required amendments by way of a general amendment or 'omnibus' local law. The most appropriate way to proceed will be dependent on the extent of the desired changes. If, for example, substantial amendments are desired to the Standing Orders Local Law, then this should proceed under its own amendment local law.
29. Any future amendment local law, regardless of the form, must comply with the requirements of section 3.12 of the Act, with 6 weeks of local public notice for submissions, publication of the amendment local law in the Government Gazette, and submission of the amendment local law for scrutiny by the Joint Standing Committee on Delegated Legislation. The same will apply if Council was to repeal a local law, as a repeal local law instrument would need to be made.

LEGISLATIVE CONSIDERATIONS

30. Section 3.16 of the *Local Government Act 1995* refers. Subsections (1) and (2) have been acquitted by virtue of Council deciding to commence the review process (OCM 2026/53), and by giving local public notice of the review and inviting submissions. Subsections (3) and (4) remain:

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) After the report has been submitted to its council, the local government must determine whether it considers that the local law should be repealed, be amended or remain unchanged.*

**Absolute majority required*

This report is submitted for the purpose of addressing s. 3.16(3) and (4) referenced above.

POLICY CONSIDERATIONS

31. Nil.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
Request for comments from relevant business units	Improvements identified to inform possible future amendments

External Engagement	
Process	Outcome
Call for submissions for 7 weeks in accordance with the Act (local newspaper, social media, website, noticeboards)	1 submission received

FINANCIAL CONSIDERATIONS

32. Nil for the current review process. A future amendment local law(s) may require expenditure of funds from the City's legal expenses budget for external legal service review of any future proposed amendments.

SUSTAINABILITY

33. **Social**

It is in the community's interests to have up-to-date and effective local laws to regulate prescribed activities in the district. Not having a regulatory scheme for the subject matter concerned would mean the City would be unable to effectively deal with resident complaints about public health issues or fencing, and efficient rules around the running of Council meetings.

34. **Economic**

It is not considered there will be any particular economic impact to the community from the review of the local laws. The local laws are a continuance of an existing regulatory scheme.

35. **Environmental**

The Health Local Law in particular contains general matters regulated for Environmental Health reasons. Many such functions compliment the proposed Rural and Urban Environment and Nuisance Local Law 2026 that is currently being advertised. Retaining a regulatory scheme for these purposes is essential to support wider environmental and public health in the district.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A	N/A	N/A
Health & Safety	Local laws are not reviewed by the due date, leaving the City with an inability to deal with public health breaches	Medium	Review local laws prior to 6 December 2026
Reputation	Substantiated, public embarrassment, moderate impact, moderate news profile	High	Review local laws prior to 6 December 2026
Operation	Inability to address enforcement breaches and complaints	High	Review local laws prior to 6 December 2026

Environment	Inability to address enforcement breaches and complaints	High	Review local laws prior to 6 December 2026
Compliance	Local laws not reviewed in accordance with the law	High	Review local laws prior to 6 December 2026
Project	N/A	N/A	N/A

REGIONAL SIGNIFICANCE

36. Nil.

CONCLUSION

37. The Standing Orders, Health and Fencing Local Laws have been reviewed, and possible future amendments identified. As Council was previously advised at the commencement of the review process, it was not anticipated there would be any significant issues identified. None have been, therefore proceeding in due course with a future amendment local law(s) will be straight-forward.
38. Determining these local laws as reviewed and requiring amendment, will avoid an automatic end-of-year repeal.

10. Closure